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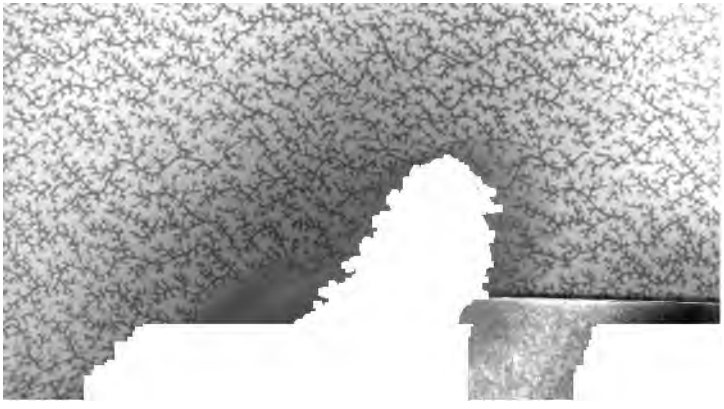

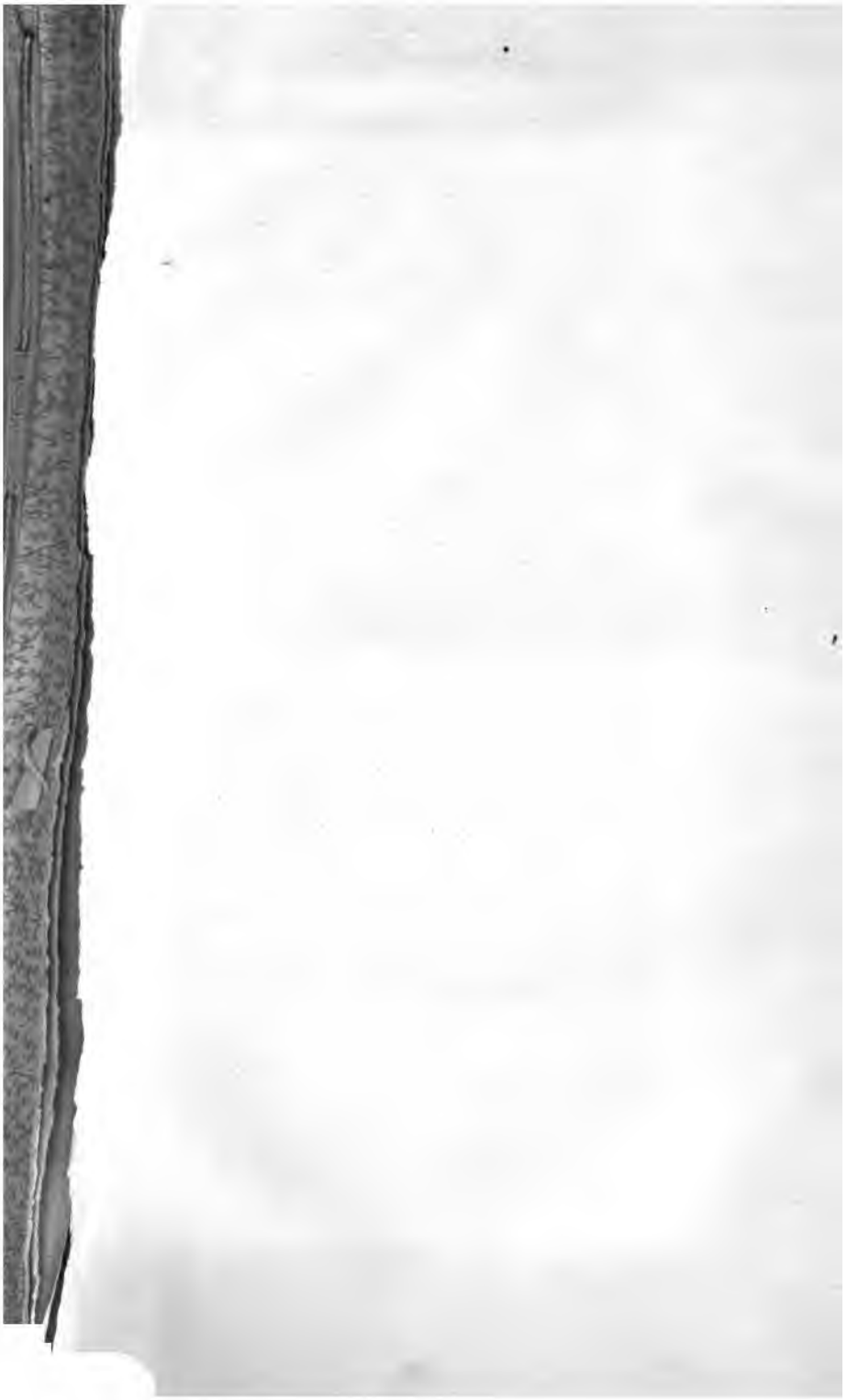

Presented to the Hon:
Hamilton Fish. with
the regards of
H. V. Johnson.
March 6. 1854.

MANUAL

OF

LAWS OF THE UNITED STATES

ON THE SUBJECTS OF

NATURALIZATION,

PASSENGERS AND PASSENGER SHIPS;

TO WHICH ARE ADDED

Directions to Persons requiring Passports;

THE LAWS OF THE SEVERAL STATES IN RELATION TO EMIGRANTS, FOREIGN PAUPERS, CONVICTS, &c.;

EXTRACTS FROM THE CONSTITUTIONS OF THE STATES, DEFINING THE RIGHT OF SUFFRAGE IN EACH:

AND OTHER VALUABLE AND INTERESTING MATTER.

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H. D. JOHNSON AND W. C. REDDALL,

In the Clerk's Office of the District Court of the District of Columbia.

PREFACE.

THE importance of a compilation which should combine a simple arrangement of the laws of the United States relative to Naturalization, Emigrants and Emigrant vessels, with the statutes of the several States touching the importation of paupers, convicts, &c., has induced the compilers to prepare the present volume, to which they have devoted the occasional hours not required by their public duties.

In addition to the above-named subjects will be found much valuable matter pertaining to the privileges and liabilities of citizens, both native and alien, and all the extradition treaties now in force.

The compilers have aimed to make it a useful book of reference to all classes of the community, particularly to such persons as design to become citizens, to Merchants, to Ship-masters engaged in transporting emigrants from the old world—who are often unaware of their legal responsibilities in carrying passengers—and to officers of the Government at home and abroad.

The matter introduced has been collected and compared with care, and the volume is put forth under the sanction and approbation of the honorable Secretary of State.

WASHINGTON, D. C.

INDEX.

A.

Page.

ADDRESS to people of Virginia accompanying resolutions of 1798..... 265

ALABAMA.

Code of Alabama on vessels bringing passengers into the State..... 76

Code of Alabama relative to foreign paupers..... 76

Qualifications necessary to exercise the right of suffrage in..... 177

ARKANSAS, Qualifications necessary to exercise the right of suffrage in..... 183

ARTICLES OF CONFEDERATION..... 220

B.

BAVARIA, Extradition Treaty with, of September 12th, 1853..... 202

BREMEN, Accession of, to Prussian Extradition Treaty, October 15th, 1855.... 208

C.

CALIFORNIA.

Law of California passed April 11, 1850, relative to the importation of convicts. 77

Law of California passed May 3, 1853, on vessels bringing passengers and paupers into the State..... 78

Qualifications necessary to exercise the right of suffrage in..... 186

CESSION, Act of, from the State of Virginia ceding North Western Territory. 289

CONNECTICUT, Revised statute of, on importing foreign convicts into the State. 85

Qualifications necessary to exercise the right of suffrage in..... 168

Answer of, to Virginia Resolutions of 1798..... 277

COMMERCIAL AGENTS AND CONSULS, Extract from circular of Department of State, of September 18, 1854..... 304

CONFEDERATION, ARTICLES OF..... 221

CONGRESS, Act of, approved April 14, 1802, establishing an uniform rule of naturalization..... 3

Act of, in addition to last act, approved March 26, 1804..... 6

Act of, approved March 3, 1813, requiring five years continuous residence to become a citizen..... 7

Act of, approved July 30, 1813, supplementary to previous naturalization acts. 7

Act of, approved March 22, 1816, relative to evidence in cases of naturalization..... 8

Act of, approved May 26, 1824, in further addition to previous acts on naturalization..... 9

Act of, approved May 24, 1828, to amend the acts concerning naturalization. 10

Act of, approved June 26, 1848, to amend the act of March 3, 1813..... 11

Act of, approved February 10, 1855, to secure citizenship to certain children. 12

Page.

CONGRESS.

Act of, approved March 2, 1819, regulating passenger ships and vessels..... 16
Act of, approved February 22, 1847, to regulate the carriage of passengers in merchant vessels..... 18
Act of, approved March 2, 1847, amendatory of last recited act..... 20
Act of, approved January 31, 1848, exempting American Colonization Society vessels from effect of previous acts..... 20
Act of, approved May 17, 1848, providing for the ventilation of passenger vessels, &c..... 21
Act of, approved March 3, 1849, extending the provisions of all laws regulating the carriage of passengers..... 25
Act of, approved March 3, 1855, regulating the carriage of passengers on steamships, &c..... 28
Act of, approved July 7, 1838, for the better security of the lives of passengers. 39
Act of, approved March 3, 1843, amendatory of last recited act..... 43
Act of, approved August 30, 1852, further amendatory of act of July 7, 1838. 45
Resolution of July 7, 1786, asking revision of act of cession..... 300
Ordinance of 1787 as passed by..... 293
Resolutions of October 10, 1780..... 293
Resolutions of April 23, 1784..... 299

CONSTITUTION OF THE UNITED STATES.

Preamble..... 231
Representatives, qualifications of, and how chosen..... 231
Apportionment of representatives and direct taxes..... 231
Census to be taken every ten years..... 232
Vacancies in representation—how to be filled..... 232
Representatives to choose officers and bring impeachments..... 232
Senate how chosen, and classification of its members..... 232
Vacancies how filled..... 232
Qualification of senators..... 232
Vice President to be presiding officer of Senate..... 232
Officers of Senate..... 233
Trial of impeachments and judgment and effect of..... 233
Elections when and how held..... 233
Congress to assemble annually..... 233
Elections how judged..... 233
Provision as to absent members, rules, quorum and expulsion..... 233
Journal to be kept and published, and yeas and nays to be taken..... 233
Adjournments..... 233
Compensation and privileges of members..... 234
Members cannot be appointed to office, nor can officer be a member..... 234
Revenue bills..... 234
Bills to be presented to the President and his power over them..... 234
Proceedings on his veto..... 234
Bills to be laws if not returned in ten days..... 234
Joint orders or resolutions to be approved by the President..... 234
Powers of Congress..... 235

Page.

CONSTITUTION OF THE UNITED STATES.

Importation of slaves allowed till 1808 236
Habeas corpus, attainder and ex post facto laws 236
Direct taxes 236
No exportation duty to be laid, nor preference to be given the commerce of one state 236
Money, how drawn from the Treasury and receipts and expenditures of to be published 236
All nobility, foreign presents and titles prohibited 236
Powers denied to the States 236
President of the United States, how elected 237
Electors how appointed, and duties of 237
Their votes to be counted in Congress 237
Representatives to chose President if electors fail 238
Manner of voting in that contingency 238
Election and meeting of electors 238
Qualifications of President 238
Provision for a President, in case of his death, removal, or inability to serve. 238
Compensation and oath of President 238
Powers and duties of the President 239
President and all civil officers liable to impeachment 239
Judiciary powers of and tenure of judges 240
Jurisdiction of the Supreme Court 240
Trials by jury, and where held 240
Treason, what constitutes it 240
Treason not to corrupt blood 241
Acts of States accredited 241
Privileges of citizenship 241
Fugitives from justice and fugitive slaves to be delivered up 241
New States 241
Territory and other property of the United States 241
Republican form of government and protection of States 241
Amendments to Constitution 242
Debts of former governments recognised 242
What constitutes the supreme law 242
Oath of public officers 242
No religious test 242
Ratification of Constitution 243
CONSTITUTION OF THE UNITED STATES, Amendments to 244
Freedom of religion, of the press, of speech, and right to assemble peaceably. 244
Right of petition guaranteed 244
Right of the people to keep and bear arms guaranteed 244
Quartering of soldiers in peace in house without consent of owner forbidden. 244
Quartering of soldiers in time of war restricted 244
Security of people in their persons, house and papers guaranteed 244
Presentment or indictment by Grand Jury necessary to hold a person for crime. 244
Persons' life or limb prevented from being put twice in jeopardy for same offence 244

Page.
CONSTITUTION OF THE UNITED STATES, Amendments to.
Persons cannot be compelled to appear as witnesses against themselves..... 244
Private property shall not be taken for public use without compensation..... 244
Privileges of accused in criminal prosecutions specified and guaranteed..... 244
Right of trial by jury guaranteed in certain suits at common law..... 244
Prohibition of excessive bail..... 245
Enumeration of certain rights in constitution are not to deny or disparage others retained by people..... 245
Powers not delegated to the United States reserved to the States..... 245
Limit on judicial power of the United States..... 245
Mode of electing President and Vice President of the United States..... 245
No person ineligible as President shall be the Vice President..... 245
CONVICTS AND FELONS.
Act of California of April 11, 1850..... 77
Importing convicts into the State forbidden..... 77
Convicts for treason excepted..... 77
Penalties and liabilities for violation of law..... 77
Law of Connecticut relative thereto..... 85
Penalty imposed upon persons importing convicts into the State..... 85
Act of Georgia of February 10, 1787..... 86
Felons from other countries or States subject to permanent disabilities..... 86
Imprisonment in jail until transported from State..... 87
Penalty to be death in case of return..... 87
Right of trial by jury and counter proof allowed..... 87
Act of New Jersey of January 28, 1797..... 109
Masters of vessels prohibited from landing them..... 109
Penalty in case masters import or bring them in..... 109
Masters to bond to carry them out..... 109
Penalty in case of refusal or default..... 109
Act of Pennsylvania of March 27, 1789..... 145
Captains of vessels prohibited from importing them..... 145
Penalty in case of violation of provisions of law..... 146
Masters to bond to carry them out of State..... 146
Act of Pennsylvania of April 15, 1851..... 153
Penalty for importing convicts..... 153
Act of Rhode Island on subject..... 154
Provision in regard to importing convicts..... 154
Act of South Carolina of November 4, 1788..... 154
Penalty for importation of convicts..... 154, 155, 156
Mode of recovery of fines and forfeitures..... 156
Act of Virginia on subject..... 159
Penalty for importation of convicts..... 159

D.

DECLARATION OF INDEPENDENCE..... 215
DELAWARE, revised statutes of, on vessels bringing passengers into the State 85
Qualifications necessary to exercise the right of suffrage in..... 171
Answer of, to Virginia resolutions of 1798..... 269

E.

Page.
EDUCATION, provision of, for minors in act of Pennsylvania, March 19, 1810. 146
Provision for indentured minors to receive schooling every year of his service 152
EXTRADITION, TREATIES OF.
Treaty with Great Britain of August 9, 1842, *extract of*..... 195
Criminals to be delivered up to either party upon requisition..... 195
Treaty with France of November 9, 1843..... 196
Criminals to be given up to either party upon requisition..... 196
Character of crimes parties to be guilty of to be delivered up..... 197
Surrender, by whom to be made..... 197
Not to have *ex post facto* effect..... 197
Treaty with the Hawaiian Isles of December 20, 1849..... 198
Criminals to be given up to either party upon requisition..... 198
Character of crimes of which parties given up are to be guilty..... 198
Treaty with Prussia and other German States of June 1, 1853..... 199
Criminals to be given up to either party upon requisition..... 200
Character of crimes of which parties given up are to be guilty..... 200
None of the contracting parties to give up their own subjects..... 200
Treaty with Bavaria of November 18, 1854..... 202
Criminals guilty of certain crimes to be given up to either party on requisition 203
Person guilty of crime in his asylum to be tried for that before given up... 204
Treaty with Hanover of January 18, 1855..... 205
Persons guilty of certain crimes to be given up to either party upon requisition 205
Person guilty of crime in his asylum to be tried for that before given up... 206
Accession to treaty with Prussia by the city of Bremen, October 15, 1853..... 208
Accession said city to previous treaty with Prussia provided for..... 208
Accession to previous treaty with Prussia by Wurtemburg, of Dec. 27, 1853..... 209
Accession to previous treaty with Prussia by Mecklenburg Schwerin, of January 6th, 1854..... 210
Accession to previous treaty with Prussia by Mecklenburg Strelitz, of January 26th, 1854..... 211
Accession to previous treaty with Prussia by Oldenburg, of March 21st, 1854... 212
Accession to previous treaty with Prussia by Schaumburg Lippe, of July 26th, 1854 213
Treaty with the Swiss Confederation, of November 9, 1855..... 214
Persons guilty of certain crimes to be given up to either party on requisition 214

F.

FAREWELL ADDRESS OF GEORGE WASHINGTON..... 247
FLORIDA, Qualifications necessary to exercise the right of suffrage in..... 176
FRANCE, Extradition treaty with, of November 9th, 1843..... 196
FELONS.—See convicts and felons.

G.

GEORGE WASHINGTON, Farewell address of..... 247
GEORGIA, Law of, passed February 10, 1787, prohibiting the importation and residence of felons into State..... 86
Law of, passed December 22, 1819, against the introduction of alien passengers into State..... 87

Page.
GEORGIA, qualifications necessary to exercise the right of suffrage in..... 175
GREAT BRITAIN, Extradition treaty with, of August 9th, 1842..... 195

H.

HANOVER, Extradition treaty with, of January 18th, 1855..... 205
HAWAIIAN ISLES, Extradition treaty with, of December 20th, 1849..... 198

I.

ILLINOIS, Qualifications necessary to exercise the right of suffrage in..... 180
INDEPENDENCE, Declaration of..... 215
INDIANA, Qualifications necessary to exercise the right of suffrage in..... 180

K.

KENTUCKY, Qualifications necessary to exercise the right of suffrage in..... 179
Resolutions of, in 1798 and 1799..... 279

L.

LOUISIANA, Act of, passed March 21, 1850, relative to Charity Hospital and passengers arriving in State..... 89
Qualifications necessary to exercise the right of suffrage in..... 178

M.

MAINE, Revised statutes of, on vessels bringing passengers and paupers into State..... 92
Act of, approved June 22, 1848, relative to bond against passengers becoming public charges..... 94
Qualifications necessary to exercise the right of suffrage in..... 161
MARYLAND, Act of, relative to the importation of passengers..... 95
Supplement to last recited act of..... 98
Supplement to same, passed March 2d, 1842..... 98
Supplement to same, passed January 30, 1850..... 99
MASSACHUSETTS, Revised statutes of, on alien passengers and paupers..... 100
Law of, passed April 20, 1837, on alien passengers..... 101
Law of, passed May 10, 1848, on alien passengers..... 102
Law of, passed March 16, 1849, on alien passengers..... 106
Law of, passed March 26, 1850, on alien passengers..... 106
Law of, passed May 23, 1853, relative to the transit of alien passengers..... 107
Qualifications necessary to exercise the right of suffrage in..... 164
Answer of, to Virginia resolutions of 1798..... 276
MECKLENBURG SCHWERIN, Accession of, to Prussian extradition treaty, January 6th, 1854..... 210
MECKLENBURG STRELITZ, Accession of, to Prussian extradition treaty, January 26th, 1854..... 211
MICHIGAN, Qualifications necessary to exercise the right of suffrage in..... 181
MINNESOTA TERRITORY, Qualifications necessary to exercise the right of suffrage in..... 189
MISSISSIPPI, Qualifications necessary to exercise the right of suffrage in..... 177

Page.
MINORS, Provision for the education of foreign indentured minors in Pennsylvania 146, 152
MISSOURI, Qualifications necessary to exercise the right of suffrage in 182

N.

NATURALIZATION.
Dates of the several acts of Congress on the subject 1, 2
Remarks on the same 1, 2
Act of April 14, 1802, *to establish uniform rule of naturalization* 3
Alien may become a citizen 3, 4
Conditions 3, 4
Exceptions 4, 5
Condition in case of alien residing in the United States before Jan. 29, 1795. 4
Condition in case of alien residing in the United States between January 29, 1795 and June 18, 1798 4
Proceedings in case of naturalization—how to be recorded 4
Mode of naturalization prescribed 5
Registry of free white persons arriving in the United States—mode of 5
Court of record before which naturalization is to be effected 5
Registers' fees 5
Rights of children of persons naturalized 5
Repeal of inconsistent acts 6
Act in addition to an act for establishing uniform rule of, approved March 26, 1804 6
Provision in favor of aliens residing in the United States between 18th June, 1798 and April 14, 1802 6
Widow and children of deceased alien to become citizens when he has complied with first condition 6
Act for the regulation of seamen on board the public and private vessels of the United States, approved March 3, 1813 7
Continuous residence of five years a necessary qualification 7
Act supplementary to acts heretofore passed, approved July 30, 1813 7
Alien enemies who declared their intention previous to 18th June, 1812, may become citizens 7
Power reserved to apprehend or remove alien enemy any time previous to his naturalization 8
Act relative to evidence in cases of naturalization 8
Evidence to be exhibited by aliens to become citizens 8
Admission without the recital of the proceeding of no validity 8
Condition in favor of aliens settling in United States between 18th June, 1798 and April 14, 1802, to remain in force 8
Proof of residence of the applicant required 9
Certificate of naturalization 9
Act in addition to act establishing uniform rule, and to repeal previous acts, approved May 26, 1824 9
Conditions on which a minor alien may become a citizen 9
Declaration necessary in such case, and proof of residence 10
Confirmation of validity of certificate of citizenship heretofore obtained 10

Page.

Validity of declaration required by the former act on certain conditions..... 10
Sufficiency of declaration of intention made two years before admission..... 10
Act to amend the acts concerning naturalization, approved May 24, 1828..... 10
Repeal of certain portions of previous acts..... 10
Provision in favor of aliens residing in the United States between April 14, 1802 and June 18, 1812..... 11
Proof requisite in such cases..... 11
Act to amend act passed March 3, 1813, *approved June* 26, 1848..... 11
Repeal of requirements of continuous residence for five years..... 11
Act to secure the right of citizenship to children of citizens of the United States born out of the limits thereof, approved February 10, 1855..... 12
Persons, sons of citizens, at the time of their birth born out of country, are citizens of the United States..... 12
Limit of effect so as not to embrace children of fathers who were never citizens 12
Citizenship secured to wives of citizens..... 12
Comments of Judge Story upon the naturalization clause in the Constitution..... 12
Propriety of confiding the power of naturalization to the General Government 12
NEBRASKA AND KANSAS TERRITORY, Qualifications necessary to exercise the right of suffrage in..... 190
NEW HAMPSHIRE, Revised statutes of, on foreign passengers..... 108
Qualifications necessary to exercise the right of suffrage in..... 162
Answer of, to Virginia resolutions of 1798..... 277
NEW JERSEY, Act of, passed January 28, 1797, against the importation of foreign convicts..... 109
Act of, passed February 10, 1819, relative to foreign passengers..... 110
Act of, passed February 19, 1838, relative to alien passengers..... 110
Qualifications necessary to exercise the right of suffrage in..... 170
NEW YORK, Act of, passed May 5th, 1847, relative to foreign passengers..... 112
Act of, amendatory of last act, passed December 15, 1847..... 120
Act of, passed April 11th, 1849, amendatory of previous acts..... 122
Act of, passed April 10th, 1850, also amendatory of previous acts..... 128
Act of, passed July 11th, 1851, amendatory of previous acts..... 128
Act of, passed April 11th, 1848, for the protection of emigrants..... 129
Act of, passed April 10th, 1849, to control last recited act..... 135
Act of, passed April 11th, 1849, amendatory of act of April 11th, 1848..... 135
Act of, passed December 10th, 1847, relative to foreign passengers..... 136
Act of, passed April 9th, 1851, amendatory of act of April 11th, 1849..... 139
Act of, passed April 13th, 1853, for the protection of emigrant passengers.... 139
Act of, passed July 21st, 1853, amendatory of last act..... 141
Qualifications necessary to exercise the right of suffrage in..... 169
Answer of, to Virginia resolutions of 1798..... 276
NORTH CAROLINA, Qualifications necessary to exercise the right of suffrage in 174
NEW MEXICO TERRITORY, Qualifications necessary to exercise the right of suffrage in..... 187

O.

OHIO, Qualifications necessary to exercise the right of suffrage in..... 179

Page.
OLDENBURG, Accession of, to Prussian extradition treaty, March 21st, 1854.. 212
OREGON TERRITORY, Qualifications necessary to exercise the right of suffrage in..... 186
ORDINANCE OF 1787,—See appendix..... 289
Cession from the State of Virginia of North Western Territory..... 289
Resolution of Congress, July 7, 1781, asking revision of act of cession..... 292
Ordinance for the government of the Territory, as passed July 13, 1787..... 293

P.

PASSENGERS.
Law of Alabama on subject..... 76
Duties of captains of vessels arriving at Mobile, relative to..... 76
Bond against passengers becoming public charges..... 76
List of such passengers to be filed in clerk's office for public inspection..... 79
Penalty and forfeiture in case of neglect or omission..... 76
Law of California, passed May 3d, 1853..... 78
Duties of masters of vessels bringing them, relative to..... 78
Oath to be administered by masters to passengers who are naturalized citizens 78
Penalties and forfeitures for violation of provisions of act.....78, 79, 81, 82
Bond required against passengers becoming public charges.....79, 80
Provision for commutation of bonds by substitution of head tax..... 80
Duties of officers receiving such bonds or commutation money, relative thereto.....80, 81
Bonds to be doubled where passengers are likely to become permanent charges 81
Manner in which action is to be brought and recovered on bonds..... 81
Disposition of proceeds of such bonds and commutation money..... 82
Fines and penalties to constitute a lien of vessel—mode of recovery.....82, 83
Commutation of penalties and bonds—provisions for..... 83
Sureties to be justified and oath administered before the mayor..... 83
General application of term vessel.....83, 84
Office of commissioner of emigrants—duties and compensation of..... 84
Ministers, consuls, &c., from foreign countries, exempted from provisions of this act..... 84
Governor may at any time remove commissioner of emigrants, and make appointments, *pro tempore*.....84, 85
Law of Delaware relative thereto..... 85
Limit on vessels having so many passengers, or sick on board, coming near shore..... 85
Permit requisite to land goods or persons..... 85
Penalty for violation of law..... 85
Limit on number of passengers vessel is allowed to carry..... 85
Health to bring suit for violation.....85, 86
Penalty in case of violation—vessel liable for..... 86
Cause of forfeiture of penalty, manner in which they are recoverable..... 86
Provision for granting license to land emigrants..... 86
Law of Georgia relative thereto, passed December 22d, 1819..... 87
Duties of captain of vessels arriving at Savannah, relative to passengers..... 87

Page.

PASSENGERS.

Penalties in cases of violation of provisions of law and mode of recovery, and application of....87, 88, 89
Bond of indemnity against passengers becoming public charges.... 87
Passengers not to land until bond is given and permit had.... 88
Aliens not to be landed before reaching the city.... 88
Householders not to entertain aliens without reporting it to the mayor.... 88
Mayor authorized to compound penalties.... 88
Liability of vessel for penalties, unless satisfied by bond of owner.... 89
Act of Louisiana relative to, approved March 21, 1850.... 89
Duties of officers of vessels bringing passengers in on their arrival at port.... 89
Bond of indemnity against alien passengers over 14 years of age becoming public charges.... 90
Penalties in case of violation of provisions of law....90, 91, 92
Commutation of bond and substitution of head tax provided for.... 90
Disposition of commutation payment and officer to receive it.... 90
Force and authenticity of bonds.... 91
Proof necessary for parties to obtain exemption.... 91
Manner in which bonds, forfeitures and commutation payments are to be made, and duties of commissioners collecting them.... 91
Charity hospital to treat certain persons gratuitously.... 91
Charity hospital to receive the benefits of the fines, &c.... 91
Law of Maine relative thereto.... 92
Duties of masters of vessels bringing passengers into port on their arrival.... 92
Bond of indemnity against passengers becoming public charges.... 92
Penalties in case of violation of provisions of law, and mode of recovery of...93, 94
Liability of vessels for penalties.... 93
Dispensation of bond on payment of head tax.... 93
Appointment of visiting officers and their duties....93, 94
Provision in relation to towns, applicable to cities.... 94
Law of Maine, passed June 22d, 1848.... 94
Commutation of bonds by payment of head tax provided for.... 94
Application of provisions of previous law to this....94, 95
Law of Maryland relative thereto.... 95
Duties of masters of vessels arriving in Baltimore, relative thereto.... 95
Penalties in case of violations of provisions of law and mode of recovery of...95, 96
Bond of indemnity against passengers becoming public charges to be given, or head tax paid....95, 96
Power of mayor to compound or remit penalties.... 97
Provision relative to vessels arriving in any of the counties.... 97
Supplementary act of Maryland.... 98
Privilege of bonding in Baltimore in lieu of head tax repealed.... 98
Fee of register of Baltimore for duties in connection therewith.... 98
Ambassadors, ministers and consuls exempted.... 28
Supplementary act of Maryland, passed March 2, 1842.... 98
Provision for disposition of assessments under previous law.... 98
Supplementary act of Maryland, passed January 30, 1852.... 99

Page.

PASSENGERS.

Provision for bond or head tax on each foreign passenger, against his becoming a public charge..... 99
Provision for commutation of bonds.....99, 100
Law of Massachusetts relative thereto..... 100
Duties of masters of vessels arriving at port, relative to passengers..... 100
Bond against passengers becoming public charges..... 100
Dispensation of bond in certain cases..... 100
Penalty for violation of provisions of law..... 101
Exceptions to provisions of law..... 101
Alien not to be landed before reaching his destination..... 101
Law of Massachusetts of April 20th, 1837..... 101
Condition of passengers to be examined by officers authorized to go on board 101
Bond against pauper passengers becoming public charges..... 102
Alien passengers not permitted to land until head tax is paid..... 102
Duties of pilots relative thereto..... 102
Penalty in case of violation of provisions of law..... 102
Vessels in distress exempted from provisions of law..... 102
Law of Massachusetts of May 10, 1848..... 102
Superintendent of alien passengers provided for, duties and salary of.....102, 103
Masters of vessels, duties of, relative to passengers..... 103
Landing of alien passengers prohibited until bond is given.....103, 104
Exemption of passengers in certain cases..... 104
Penalties in case of violation of provisions of law.....104, 105
Disposition of the proceeds..... 104
Treasurer of Commonwealth to make certain publications..... 104
Overseers of poor to perform duties of Superintendent in certain cases..... 105
Exceptions to provisions of law..... 105
Towns and cities not released by act from paying proceeds into the State treasury..... 106
Act of Massachusetts, repealing part of last act, March 16, 1849..... 106
Act of Massachusetts of March 20th, 1850..... 106
Bond to be given against passengers becoming public charges..... 106
Dispensation of bond where head tax is paid..... 106
Exceptions to provisions of law..... 106
Superintendent of alien passengers to make certain examinations..... 107
Publication of returns provided for..... 107
Justices of the peace to exercise certain powers..... 107
Treasurer of the Commonwealth, duties of, relative to..... 107
Act of Massachusetts of May 3d, 1853..... 107
Refunding of head tax in certain cases provided for..... 107
Provisions relative to aliens leaving the State and returning..... 108
Bond to be cancelled in certain cases..... 108
Law of New Hampshire relative thereto..... 108
Bonds to be given against passengers becoming public charges..... 108
Penalty in case passenger is landed before bond is given..... 108
Filing and prosecution of bond.....108, 109

Page.

PASSENGERS.

Law of New Jersey of February 19, 1838..... 110
Bonds to be given for support of infirm passengers..... 110
Penalty in case of landing passengers without giving bonds..... 110
Law of New Jersey of February 19, 1838, (*same date.*)..... 110
Delegation of power to impose head tax to authorities of cities and townships.....110, 111
Duties of masters of vessels relative to passengers..... 111
Permit for passengers to land necessary,..... 111
Cities and townships to provide support for sick passengers landed by permission..... 11
Recovery of penalties and compounding of same provided for.....111, 11
Powers of corporate authorities not impaired by this act..... 11
Law of New York of May 5, 1847..... 11
Duties of captains of vessels relative to passengers..... 11
Penalties in cases of violation of provisions of law.....113, 11
Bond to be taken by mayor against passengers becoming public charges..... 11
Commutation of bonds in certain case allowed by payment of head tax..... 1
Especial commutation in other cases..... 1
Salary of Health Commissioner for duties under this act..... 1
Other officers to discharge certain duties at the option of the Commissioners of Emigration 114, 1
Especial bonds required where passengers are likely to be permanent charges. 1
Commissioners of Emigration—appointment, duties and powers of.....116, 1
Commissioners of Emigration to reimburse city, town or county supporting persons who have paid commutation tax..... 1
Chamberlain of New York City to make certain report..... 1
Commissioners of Emigration to report to Legislature..... 1
Manner in which vacancies in commissioners are to be filled..... 118
Mode of action on bond where party becomes a public charge..... 118
Mode of action for recovery of penalties, &c., and power to compound the same. 118
Vessel liable for penalties and forfeitures..... 119
Disposition of monies accruing..... 119
Commissioners authorized to erect certain buildings..... 119
Manner in which insufficiency of money for support of public charges is to be supplied..... 120
Act of New York of December 15, 1847..... 120
Vesting of certain property in commissioners of emigration..... 120
Comptroller of State to make certain report..... 121
Comptroller of State, power of, under this law..... 121
Commissioners of emigration to exercise certain powers over poor children... 12
Commissioners of emigration—additional powers of..... 12
Disposition of property of aliens deceased in certain cases..... 1
Exception to application of second section of act..... 1
Act of New York of April 11, 1849.....
Mode of bringing action on bond to recover cost of support of charge.....
Penalty for default, and liability of masters, owners and consignees.....

Page.

PASSENGERS.

Power granted to commissioners of emigration to appoint officers of hospitals. 123
Passengers absent from State more than one year not entitled to aid..... 124
Act not to effect the appointment of certain officers..... 124
Power of board of health to appoint a physician for certain purposes..... 124
Superintendents of hospitals to make certain reports..... 124
Alien passengers who are infected to be received in quarantine hospitals..... 124
Manner in which the expenses of said aliens are to be paid..... 125
Vessel not to leave quarantine until expenses are paid..... 125
Limit to authority of health officers..... 125
Provision for repeal of certain acts and parts of others..... 125
Additional duties required of health officers..... 125
Duties and powers of physicians of marine hospital..... 126
Duties and powers of assistant physicians of marine hospital..... 126
Pay of such officers and mode of payment of..... 127
Mode of recovery and disposition of penalties..... 127
Act of New York of April 10, 1850..... 128
Act of New York of July 11, 1851..... 128
Power to sell, exchange or convey lands purchased given to commissioners of emigration..... 128
Time of effect of certain parts of act extended..... 128
Act of New York of April 11, 1848..... 129
Commissioners of emigration to purchase emigrant dock and to license..... 129
Steamboats and lighters for certain purposes..... 129
Penalties for violation of provisions of law.....129, 130, 131, 133
Duties of ship masters relative to passengers on their arrival..... 129
Duties of emigrant boarding house keepers..... 130
Limit to lien of boarding house keepers on baggage of emigrants..... 130
Emigrant runners not allowed unless licensed..... 131
Proprietors of boarding houses excepted..... 131
Persons to be appointed to board vessels and advise emigrants..... 132
Health officers to let no one but advisers aboard until they have left..... 132
Legal duties and restrictions imposed on persons booking passengers, taking money for their inland fare and transportation of baggage..... 132
Government or state officers prohibited discharging the duties of runners or bookers..... 134
Manner in which penalties shall be sued for, recovered or disposed of..... 134
Commissioners of emigration to qualify to their annual reports..... 135
Manner in which is to be supplied the deficiency for support of fever or small pox hospital..... 135
Act of New York of April 10, 1841..... 135
Act of New York of April 11, 1849..... 135
Commissioners of emigration authorized to appoint certain agents..... 135
Act of New York of December 10, 1847..... 136
Duties of masters of vessels arriving at certain ports of entry..... 136
Penalty in case of violation of provisions of law.....136, 138
Bond of indemnity or commutation by head tax required..... 136

Page.

PASSENGERS.

Treasurers of such cities and village to execute a bond..... 137
Superintendents of poor to audit the accounts of such officers for services..... 137
Additional duties of superintendents of poor..... 137
Duties of superintendents of poor to such persons as become public charges.. 137
Liability of ship for penalties and power to attach it..... 138
Act of New York of April 9, 1851..... 139
Act of New York of April 13, 1853..... 139
Provision relative to landing emigrants on certain wharves in New York..... 139
Duties of masters, &c., relative to passengers prior to landing..... 139
Duties of captains of vessels conveying passengers from quarantine..... 139
Penalties for violation of provisions of law.....139, 140, 141
Penalties constitute a lien of vessel and subject them to attachment..... 140
Exception to infliction of penalties..... 140
Selling of tickets to emigrants limited to a certain price..... 141
Prohibition of inducements to emigrants to sell or exchange their passage tickets..... 141
Tickets not to be sold to emigrants beyond the prices advertised by companies. 141
Act of New York of July 21, 1853..... 141
Penalty for runner of emigrant boarding houses or conveyances soliciting emigrants before they leave the vessel..... 141
Remission or compounding of penalties provided for..... 142
Amendment of certain previous act on subject..... 142
Prohibition of owners or officers ordering emigrants to leave the ship before landing..... 142
Passengers not detained under health law exempted..... 142
Act of Pennsylvania of April 8, 1785..... 144
Provision for registry of German emigrants arriving in Philadelphia..... 144
Appointment of a German interpreter authorized..... 144
Duties of health officer and German interpreter..... 144
Register of their indentures to be made..... 144
Fees of Register..... 144
Act of Pennsylvania of 7th of February, 1818..... 147
Duties of masters and captains relative to reception and delivery of baggage. 147
Penalty in case of violations of provisions of law.....147, 149, 151
Detention by captains of passengers unable to pay, authorized..... 148
Disposition of passengers to masters and mistresses with restrictions..... 148
Provision relative to sick without pestilence and mothers in labor amongst the passengers..... 148
Provision relative to passengers arriving after 1st of December..... 149
Duty of captain to make report relative to German passengers..... 149
Goods of such passengers to stand lawful pledge for freight money..... 149
Provision for executing and making out of the goods the freight money..... 150
Provision relative to one passenger becoming obligated for the freight money of another..... 150
Special courts granted in cases where passengers are plaintiffs, relative to their goods, &c..... 150

Page.
PASSENGERS.
Mode of procedure in such special courts 151
Duties of masters relative to goods of passengers deceased on passage 151
Binding out of minor children for their passage money authorized in certain cases 151
Masters, captains, owners, &c., liable for penalties 152
Mode of recovery and disposition of penalties 152
Mode of bringing actions by virtue of this act 152
Duties of health officer and interpreter relative to ships importing German passengers 152
Act of Pennsylvania of June 13, 1836 153
Bringing in poor person, and leaving him where he was not last legally settled, prohibited 153
Penalty in case of violation 153
Law of Rhode Island relative thereto 154
Duties of masters of vessels bringing passengers into State 154
Penalty in case of violation 154
Act of South Carolina of November 4th, 1788 154
Duties of masters of vessels bringing in passengers to dispose of them 155
Oath to be taken by such masters 155
Act of Texas, passed 11th of February, 1850 156
Duties of captains of vessels arriving in State, relative to passengers 156
Penalties for violation of provisions of law 157, 158
Bonds against passengers becoming public charges, or commutation tax required 157
Mode of action and recovery on bond 158
Mode of recovery of penalties 158
Law of Vermont relative thereto 159
Penalty in case of importation of paupers into that State 159
PASSENGERS AND PASSENGER SHIPS.
Remarks on laws of the United States, relative to 16
Act of Congress, approved 2d of March, 1819 16
Ships, &c., carrying passengers from, or bringing them to the United States, not to carry more than two passengers to every five tons 16
Navigators of vessel excepted 17
Penalty and forfeiture in case of violation of law 16, 17, 18
Amount of water, salted provisions, vinegar and bread to be carried by vessels so engaged 17
Character of list of passengers to be made by captain to collector 18
Collector to return such lists quarterly to the Secretary of State of the United States 18
Act of Congress, approved February 22d, 1847 18
Number of passengers which may be taken on board of vessel limited 18
Penalties and forfeitures of vessel in case of violation of law 19
Tiers of berths, and space allotted to passengers 19
Mode of recovery of penalty 19
Two children under eight years of age to be reckoned as one passenger 19

PASSENGERS AND PASSENGER SHIPS. Page.

Penalties to constitute a lien on vessel..... 20
Act of Congress, approved March 2d, 1847..... 20
Act of 22d February, 1847, take effect on vessels from this side of Capes Good Hope or Horn..... 20
Estimate of two children under eight years as one passenger repealed..... 20
Act of Congress, approved 31st January, 1848..... 20
Exemption of American colonization vessels from effect of act..... 20
Act of Congress, approved May 17, 1848..... 21
Certain vessels to have one house, and others two houses on the upper deck... 21
Booby hatches may be substituted in certain vessels..... 21
Provision for ventilators in certain vessels..... 21
Camboose or cooking ranges on deck, or between decks, to be provided..... 22
Amount of victualling to be carried for passengers..... 22
Penalty in case of short allowance to passengers..... 22
Passengers may contract to supply themselves..... 23
Provision relative to maintaining health and discipline on passenger vessels... 23
Penalty in case of violation of certain provisions of law, and mode of recovery thereof..... 23
One inspector of customs to make examination of vessels, and report to the collector as to their compliance with the law..... 24
Height between decks of passenger vessels..... 24
Space to be allowed to each passenger..... 24
Penalty for taking too many passengers..... 24
Children under one year of age to be excluded from computation of passengers 24
Time when the act is to take effect..... 24
Limitation as to two passengers for every five tons repealed..... 25
Act of Congress of March 3d, 1849..... 25
Penalty in case a full supply of food and water is not furnished to passengers 25
Number of passengers allowed on vessels passing through the tropics..... 25
Time of effect of act..... 25
Circular from the Treasury Department, March 23, 1855, on subject..... 26
Attention of collectors called to act of March 23, 1855..... 26
Instructions as to dimensions of decks of vessels..... 26
Mode in which vessels are to be measured to decide their complement of passengers..... 27
Duties of collectors relative to monies received on account of deceased passengers..... 27
Instructions as to time when the act shall go into effect..... 28
Provisions of existing law to have full force until late act takes effect..... 28
Act of Congress of March 3d, 1855..... 28
Proportion of passengers to tonnage..... 28
Space to be allowed each passenger..... 28
Penalty for violation of provision..... 29
Lockers or inclosures allowed for deck freight..... 29
Hospital to be provided on board..... 29
Space to be allowed each passenger in two deck vessels..... 29

Page.

PASSENGERS AND PASSENGER SHIPS.

Berths to be provided, and penalty for violation of this provision..... 30
Description of house to be built over passage way..... 30
Provision relative to hand rails and booby hatches..... 30
Description of ventilator to be provided..... 30
Camboose or cooking range to be used..... 31
Quantity and quality of provisions to be provided for passengers..... 31
Penalty in case of short allowance to passengers..... 32
Authority to captain to maintain discipline and cleanliness amongst passengers 32
Provision as to privies..... 32
Penalty for deficiency in ventilators and cambooses..... 33
Inspector of customs to examine passenger vessels and report to collector..... 33
Application of act to space for steerage passengers in steam-ships..... 33
Vessels bound to or from Pacific ports subject to act..... 34
Description of list of passengers to be delivered to collector on arrival..... 34
Collectors to return such lists quarterly to Secretary of State, to be sent to Congress..... 35
Payment to be made by vessel for each death on board..... 35
Application of money accruing in that way..... 35
Penalty in case of refusal to make such payment..... 35
Mode in which penalties are to be recovered..... 36
Vessels of colonization society subject to this act..... 36
Collector to examine emigrant ships on their arrival and report to Secretary of the Treasury..... 36
Date of effect of act..... 36
Notice to be given in Europe and elsewhere of act..... 36
Repeal of former acts..... 37
Penalties saved from such repeal..... 37

PASSENGERS ON BOARD OF STEAM VESSELS.

Act of Congress of July 7, 1838..... 39
Owners of steamboats to make a new enrolment and take out a new license... 39
Penalty for transporting goods or passengers without a new license..... 39
Mode of recovering penalty..... 39
District judge to appoint inspectors of boilers and machinery..... 40
Duties and qualifications of such inspectors..... 40
Inspectors of hulls to give certificate as to age and soundness of boat..... 40
Fee for inspection..... 40
Inspectors of boilers to make certificate as to soundness of boiler..... 40
Duplicate certificates to be made out to master and owner..... 40
Number of times a boiler is to be inspected..... 41
Penalties for violation of provisions of law, and mode of recovery of.....41, 42
Number of competent engineers to be employed..... 41
Safety valve to be opened when the vessel stops..... 41
Long boats or yawls to be carried by steamers engaged in certain trade..... 41
Vessels at sea or on lakes to carry suction hose and fire engine..... 42
Signal lights to be carried between sunset and sunrise..... 42
Iron rods or chains to be used instead of wheel or tiller ropes..... 42

Page.

PASSENGERS ON BOARD OF STEAM VESSELS.

Persons engaged on boats where lives are lost guilty of manslaughter..... 42
Punishment therefor..... 42
What shall be evidence to charge the defendant in certain cases of accident... 42
Act of Congress of March 3, 1843..... 43
Vessels propelled by steam to be provided with additional steering apparatus. 43
Vessels provided with such steering apparatus may use hemp tiller ropes..... 43
Amount of rope permitted to be used..... 43
Freight vessels propelled by sails and Errickson's propellers not required to have suction hose..... 44
Discontinuance of proceedings for violation of certain provisions of preceding law..... 44
Evidence upon which such proceedings are to be discontinued..... 44
Experimental trials of inventions to ensure safety of steam boilers authorized 44
Duties of examiners appointed to conduct such trials..... 44
Act of Congress of August 30, 1852..... 45
No license to be issued to vessel until the provisions of this act is complied with..... 45
Penalty for navigation without such compliance..... 45
Precautions against fire..... 45
Variation from precautions in certain cases..... 46
Provision as to number of pumps and length of hose to be on board..... 46
Provision as to life boats, &c..... 46
Provision as to steamers navigating rivers only..... 46
Provision as to life preservers, float axes and buckets..... 47
Means of access to upper deck..... 47
Provision as to carrying certain dangerous articles..... 47
Penalty in case of violation in that respect..... 47
Provision for the appointment of two inspectors in certain collection districts 48
Two inspectors to consist of an inspector of hulls and an inspector of boilers 48
Secretary of the Treasury to approve the appointment of inspectors..... 49
Inspection to be made once a year, and mode of..... 49
One safety valve may be taken from the control of the navigator..... 50
Proviso as to fusible plugs..... 50
Provision as to hydrostatic pressure of high pressure boilers..... 50
Provision as to like test of low pressure boilers..... 50
Boilers not to be worked beyond the pressure allowed..... 51
Defects in other respects to prevent approval..... 51
Form of certificate of inspectors to be sworn to by them..... 51
Reasons for refusal to certify to be given in writing..... 53
Provision for licenses to carry certain dangerous articles..... 53
Revocation of license provided for..... 53
Record of such certificates and licenses to be kept..... 53
Originals of such licenses and certificates to be delivered to collector..... 53
Record of licenses to pilots and engineers to be recorded as well as revocals thereof..... 53
Classification of pilots and engineers provided for..... 53

Page.

PASSENGERS ON BOARD OF STEAM VESSELS.

Examination of applicants for license as pilots or engineers provided for..... 53
Duration of license to be one year..... 54
Appeal in case of refusal to license to supervising inspector..... 54
Appeal in like manner in similar cases relative to steamboats and boilers..... 54
Employment of unlicensed pilots or engineers forbidden except in cases of necessity..... 54
Provision for other than annual inspection..... 54
Repairs may be ordered by inspector in cases of omission to comply with law. 55
Appeal from order of inspector for repairs provided for..... 55
Masters and owners responsible for damages for neglect to comply with such order..... 55
Repairs, where to be made..... 55
Cases where doings of one board may be modified by another..... 55
Persons rejected by one board not to be licensed by another..... 55
Inspection of steamboats where there is no local board..... 55
Former defects to be remedied, before new inspection is to be made..... 55
Permit to go to another district for repairs..... 55
Compulsion of attendance of witnesses and their examination on oath..... 55
Payment of witnesses..... 56
Report of board of inspectors..... 56
Mates and licensed pilots and engineers to assist said board and inform them, when necessary on penalty of revocation of their licenses..... 56
Provision as to number of passengers, detention on passage and accommodations..... 56
Liability of owners and vessels to refund passage money in certain cases..... 57
Liability of vessel released on certrin conditions..... 57
Penalty for obstructing or deranging the mode of ascertaining the pressure of steam..... 57
Penalty for allowing the water to fall below a certain line..... 57
Boilers to be made of stamped materials..... 57
Inspectors to examine and require certain qualities of boiler plates..... 57
Boiler plates to be stamped..... 58
Penalty for usury or making boilers of unstamped material..... 58
Penalty for fraud as to stamps, or using the stamp of another to defraud..... 58
Nine supervising inspectors to be appointed, and their qualifications..... 58
To meet as a board yearly and may establish rules and assign limits..... 59
Pay and expenses of said inspectors..... 59
Duties of supervising inspectors..... 59
Their reasonable inquiries to be answered and information given them..... 59
Duties relative to prosecuting persons failing to comply with this act..... 59
Report as to neglect of local board and removal of delinquent..... 60
Duties as to supervising the local board..... 60
Provision where there is no local board or where it is inconvenient to resort to it. 60
No inspector to act where he is interested—inspection to be void if he does..... 60
Each collector except collector of San Francisco to report the licenses granted or refused..... 60

Page.

PASSENGERS ON BOARD OF STEAM VESSELS.
Collectors, inspectors, &c., to enforce law, or lose office and pay a fine..... 60
Penalty in case of neglect of collectors, &c., to do their duty..... 60
Collectors to retain certificates of inspection and give out two certified copies. 61
One copy to be kept posted in a conspicuous place in the steamboat..... 61
Penalty in cases of violation of certain provisions of law..... 61
Penalty on inspector for giving false certificate..... 61
Penalty on master for navigating a vessel not conforming with certificate..... 61
Liability for not stopping steamers when navigation is dangerous..... 62
Rules for passing to be adopted and kept posted in each steamer..... 62
Penalty for neglecting to observe such rules..... 62
Liability of owners for damages to passengers or their baggage..... 62
Fees for inspectors' certificates and for licenses..... 63
License fees—how to be paid..... 63
Inspectors to keep a record of their doings and report the same semi-annually 63
Compensation of the district inspectors..... 63
Instruments of examination to be provided..... 64
Record of passengers to be kept daily and open to inspectors..... 64
Lien on vessel for penalty in case of neglect..... 65
Bond may be given for satisfaction of penalty..... 65
Two copies of act to be kept on board of steamboats..... 65
Penalty on inspectors for receiving anything but legal fees..... 65
Oath of pilots and engineers..... 65
Supervising inspectors to receive and transmit certain information to secretary of treasury..... 65
Secretary of the treasury to elicit certain information by interrogatives..... 66
Mode of recovery of penalties..... 66
Exceptions to application of act..... 66
Mode of inspection of ocean mail steamers..... 66
Date of effect of act..... 66
PASSPORTS, Regulations for..... 69
Grounds upon which they are granted..... 69
Merit and advantage of them..... 69
Form of..... 72
Who signed by..... 69
Rules to be observed by persons making application..... 69, 70
Proof upon which they are granted to native citizens..... 70
Proof upon which they are granted to naturalized citizens..... 70
Inconvenience of obtaining passports abroad..... 70
Insufficiency of passports from judicial, municipal or State authorities..... 70
In Great Britain no passport necessary..... 71
Additional requirements where citizens visit Spanish West Indies..... 71
Children under age when parents are naturalized, advice to..... 71
PAUPERS.—See Passengers.
PENNSYLVANIA, Law of, passed April 8, 1785, relative to indenturing defaulting passengers, &c..... 143
Law of, passed March 27th, 1789, against importing foreign convicts..... 145

Page.

PENNSYLVANIA.
Law of, passed March 19th, 1810, concerning the education of German redemptioners..... 146
Law of, passed February 7th, 1818, relative to the importation of German and other passengers..... 147
Resolution of, passed 25th February, 1818, note on, relative to last recited act 152
Act of, passed June 13th, 1836, relative to the support and employment of the poor..... 153
Act of, passed April 15th, 1851, against landing foreign convicts..... 153
Qualifications necessary to exercise the right of suffrage in..... 170
PRESIDENTIAL CONTEST, Note relative to fourth, between Burr and Jefferson 246
PRUSSIA, Extradition treaty with, of June 16th, 1852..... 199
Abstract from the laws of Prussia on emigration and military service..... 302

R.

REDEMPTIONERS, Law of Pennsylvania of 19th of March, 1810, relative to German redemptioners..... 146
Education provided for minors amongst..... 146
RESOLUTIONS, of Virginia of 1798..... 263
Of Kentucky of 1798 and 1799..... 279
Of Congress of July 7, 1786, asking revision of act of cession..... 292
Of Congress, October 10, 1787..... 293
Of Congress, April 23, 1784..... 299
RHODE ISLAND, Statutes of, relative to the relief, employment and removal of the poor..... 154
Qualifications necessary to exercise the right of suffrage in..... 165
Answer of, to Virginia resolutions of 1798..... 269

S.

SCHAUMBURG LIPPE, Accession of, to Prussian extradition treaty, July 26, 1854..... 213
SOUTH CAROLINA, Act of, passed Nov. 4, 1798, against importing foreign convicts..... 154
Qualifications necessary to exercise the right of suffrage in..... 175
STORY, JUDGE, Comments of, on the naturalization clause in the Constitution 13
SUFFRAGE, RIGHT OF.
Qualification of voters in Maine..... 161
Qualification of voters in New Hampshire..... 162
Qualification of voters in Vermont..... 163
Qualification of voters in Massachusetts..... 164
Qualification of voters in Rhode Island..... 165
Qualification of voters in Connecticut..... 168
Qualification of voters in New York..... 169
Qualification of voters in New Jersey..... 170
Qualification of voters in Pennsylvania..... 170
Qualification of voters in Delaware..... 171
Qualification of voters in Maryland..... 171

Page.
SUFFRAGE, RIGHT OF.
Qualification of voters in Virginia..... 173
Qualification of voters in North Carolina..... 174
Qualification of voters in South Carolina..... 175
Qualification of voters in Georgia..... 175
Qualification of voters in Florida..... 176
Qualification of voters in Alabama..... 177
Qualification of voters in Mississippi..... 177
Qualification of voters in Louisiana..... 178
Qualification of voters in Tennessee..... 178
Qualification of voters in Kentucky..... 179
Qualification of voters in Ohio..... 179
Qualification of voters in Indiana..... 180
Qualification of voters in Illinois..... 180
Qualification of voters in Michigan..... 181
Qualification of voters in Missouri..... 182
Qualification of voters in Arkansas..... 183
Qualification of voters in Iowa..... 183
Qualification of voters in Wisconsin..... 184
Qualification of voters in Texas..... 185
Qualification of voters in California..... 186
Qualification of voters in Oregon..... 186
Qualification of voters in New Mexico..... 187
Qualification of voters in Utah..... 189
Qualification of voters in Minnesota..... 189
Qualification of voters in Nebraska and Kansas..... 190
Qualification of voters in Washington..... 191
SWISS CONFEDERATION, Extradition treaty with, of November 9, 1855..... 214

T.

TENNESSEE, Qualifications necessary to exercise the right of suffrage therein. 178
TEXAS, Act of, passed February 11, 1850, relative to foreign passengers..... 156
Qualifications necessary to exercise the right of suffrage therein..... 185

U.

UTAH TERRITORY, Qualifications necessary to exercise the right of suffrage in. 180

V.

VERMONT, Statutes of, relative to importing foreign paupers..... 159
Qualifications necessary to exercise suffrage in..... 163
Reply of, to Virginia resolutions of 1798..... 278
VIRGINIA, Code of, relative to importing foreign convicts..... 159
Qualifications necessary to exercise right of suffrage in..... 173
Resolutions of, in 1798..... 263
Address to people accompanying said resolutions..... 265
Reply of the State of Delaware to said resolutions, February 1, 1799..... 269
Reply of the State of Rhode Island thereto, February, 1799..... 269

Page.

VIRGINIA.
Reply of the State of Massachusetts thereto, February 9, 1799..... 270
Reply of the State of New York thereto, March 5, 1799..... 276
Reply of the State of Connecticut thereto, May, 1799..... 277
Reply of the State of New Hampshire thereto, June 14, 1799..... 277
Reply of the State of Vermont thereto..... 278
Cession from, of North Western Territory..... 289

W.

WASHINGTON TERRITORY, Qualifications necessary to exercise the right of suffrage therein..... 191
WISCONSIN, Qualifications necessary to exercise the right of suffrage therein.. 184
WURTEMBURG, Accession of, to Prussian extradition treaty, December 27, 1853..... 209

LAWS OF THE UNITED STATES

RELATIVE TO

NATURALIZATION.

REMARKS.

THE first act of Congress "to establish an uniform rule of naturalization," in accordance with the power conferred by the eighth section of the first article of the Constitution of the United States, was approved March 26, 1790.*

On the 29th of January, 1795, this act was repealed and new regulations were established by another act;† and to the latter act were added still further regulations by an act June 18, 1798.‡

On the 14th of April, 1802, all regulations upon naturalization hitherto made and in force were abolished and new ones instituted by an act entitled "*An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject.*"‖

Two years later, March 26, 1804, was approved "*An act in addition to*"§ the act of 1802, prescribing the mode by which aliens who resided in the United States between 18th June, 1798, and 14th April, 1802, might become citizens, and providing that the widows and children of aliens who had complied with the conditions of naturalization, but died before admission, should be considered citizens.

On the 3d of March, 1813, by the twelfth section of "*An act for the regulation of seamen on board the public and private*

* United States Statutes at Large, vol. 1, p. 103.
† Ib., vol. 1, p. 414.
‡ Ib., vol. 1, p. 566.
‖ Ib., vol. 2, p. 153.
§ Ib., vol. 2, p. 292.

*vessels of the United States,"** it was declared that five years of continued residence in the United States was necessary to qualify a person to become a citizen. And on the 30th of July, 1813, by "*An act supplementary to acts heretofore passed,*"† it was provided that persons who were resident in the United States on the 18th June, 1812, and who had made a declaration of their intention to become citizens of the United States, should be admitted.

On the 22d of March, 1816, by an act entitled "*An act relative to evidence in cases of naturalization,*"‡ it was provided that evidence of the time of the arrival of an alien and of his intention to become a citizen should be exhibited on his application for admission—the proceedings otherwise to have no validity—and declared the rights of persons who arrived in the United States between June 18, 1798, and April 14, 1802.

On the 26th of May, 1824, by an act entitled "*An act in further addition to an act to establish an uniform rule of naturalization,*"‖ &c., additional provisions and explanations were given respecting the declaration of intention required by the act of 1802, and the conditions on which aliens who had arrived during minority might be admitted to citizenship.

On the 28th of May, 1828, by an act entitled "*An act to amend the acts concerning naturalization,*"§ it was provided that aliens residing in the United States between the 14th of April, 1802, and the 18th of June, 1812, might become citizens. And on the 26th of June, 1848, by "*An act to amend the act*"¶ of March 3, 1813, the provision requiring a continued residence of five years in the United States previous to naturalization was repealed.

* United States Statutes at Large, vol. 2, p. 811. † Ib., vol. 3, p. 53.
‡ Ib., vol. 3, p. 258. ‖ Ib., vol. 4, p. 69. § Ib., vol. 4, p. 310.
The second section of the act of 1802 and the first section of the act of 1816 were repealed by the act of 1828.
¶ United States Statutes at Large, vol. 9, p. 240.

LAWS.

AN ACT to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:

First. That he shall have declared, on oath or affirmation, before the supreme, superior, district, or circuit court of some one of the States or of the territorial districts of the United States, or a circuit or district court of the United States, three years at least before his admission, that it was, *bona fide*, his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly. That he shall, at the time of his application to be admitted, declare, on oath or affirmation, before some one of the courts aforesaid, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Thirdly. That the court admitting such alien shall be satisfied that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held one year at least; and it shall further appear to their satisfaction, that during that time he has behaved as a man of a good moral character, attached to the principles of the constitution of the United States, and well-disposed to the good order and happiness of the same: *Provided,* That the oath of the applicant shall, in no case, be allowed to prove his residence.

Fourthly. That in case the alien applying to be admitted to citizenship shall have borne any hereditary title, or been of

any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application shall be made; which renunciation shall be recorded in the said court: *Provided,* That no alien who shall be a native citizen, denizen, or subject of any country, state, or sovereign with whom the United States shall be at war at the time of his application, shall be then admitted to be a citizen of the United States: *Provided, also,* That any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof, made to some one of the courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held; and on his declaring, on oath or affirmation, that he will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly, by name, the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, moreover, on its appearing, to the satisfaction of the court, that during the said term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well-disposed to the good order and happiness of the same; and where the alien applying for admission to citizenship shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his moreover making in the court an express renunciation of his title or order of nobility, before he shall be entitled to such admission; all of which proceedings, required in this proviso to be performed in the court, shall be recorded by the clerk thereof: *And provided, also,* That any alien who was residing within the limits and under the jurisdiction of the United States at any time between the said twenty-ninth day of January, one thousand seven hundred and ninety-five, and the eighteenth day of June, one thousand seven hundred and ninety-eight, may, within two years after the passing of this act, be admitted to become a citizen without a compliance with the first condition above specified.

SEC. 2. *Provided, also, and be it further enacted,* That, in ad-

dition to the directions aforesaid, all free white persons, being aliens, who may arrive in the United States after the passing of this act, shall, in order to become citizens of the United States, make registry and obtain certificates in the following manner, to wit: every person desirous of being naturalized shall, if of the age of twenty-one years, make report of himself, or, if under the age of twenty-one years, or held in service, shall be reported by his parent, guardian, master, or mistress, to the clerk of the district court of the district where such alien or aliens shall arrive, or to some other court of record of the United States, of either of the territorial districts of the same, or of a particular State; and such report shall ascertain the name, birthplace, age, nation, and allegiance of each alien, together with the country whence he or she migrated, and the place of his or her intended settlement: and it shall be the duty of such clerk, on receiving such report, to record the same in his office, and to grant to the person making such report, and to each individual concerned therein, whenever he shall be required, a certificate, under his hand and seal of office, of such report and registry; and for receiving and registering each report of an individual or family, he shall receive fifty cents, and for each certificate granted pursuant to this act to an individual or family, fifty cents; and such certificate shall be exhibited to the court by every alien who may arrive in the United States after the passing of this act, on his application to be naturalized, as evidence of the time of his arrival within the United States.

SEC. 3. *And whereas* doubts have arisen whether certain courts of record in some of the States are included within the description of district or circuit courts: *Be it further enacted*, That every court of record in any individual State having common law jurisdiction, and a seal and clerk or prothonotary, shall be considered as a district court within the meaning of this act; and every alien who may have been naturalized in any such court shall enjoy, from and after the passing of the act, the same rights and privileges as if he had been naturalized in a district or circuit court of the United States.

SEC. 4. *And be it further enacted*, That the children of persons duly naturalized under any of the laws of the United States, or who, previous to the passing of any law on that subject by the government of the United States, may have become citizens of any one of the said States, under the laws thereof, being under the age of twenty-one years at the time of their parents being so naturalized or admitted to the rights of citi-

zenship, shall, if dwelling in the United States, be considered as citizens of the United States; and the children of persons who now are or have been citizens of the United States shall, though born out of the limits and jurisdiction of the United States, be considered as citizens of the United States: *Provided*, That the right of citizenship shall not descend to persons whose fathers have never resided within the United States: *Provided, also*, That no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the late war, shall be admitted a citizen as aforesaid without the consent of the legislature of the State in which such person was proscribed.

SEC. 5. *And be it further enacted*, That all acts heretofore passed respecting naturalization be, and the same are hereby, repealed.

Approved April 14, 1802.

AN ACT in addition to an act entitled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who has continued to reside within the same, may be admitted to become a citizen of the United States without a compliance with the first condition specified in the first section of the act entitled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject."

SEC. 2. *And be it further enacted*, That when any alien who shall have complied with the first condition specified in the first section of the said original act, and who shall have pursued the directions prescribed in the second section of the said act, may die before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths prescribed by law.

Approved March 26, 1804.

AN ACT for the regulation of seamen on board the public and private vessels of the United States.

SEC. 12. *And be it further enacted,* That no person who shall arrive in the United States from and after the time when this act shall take effect, shall be admitted to become a citizen of the United States who shall not for the continued term of five years next preceding his admission as aforesaid have resided within the United States, without being at any time during the said five years out of the territory of the United States.*

Approved March 3, 1813.

AN ACT supplementary to the acts heretofore passed on the subject of an uniform rule of naturalization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intentions to become citizens of the United States, or who, by the existing laws of the United States, were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they shall be alien enemies at the times and in the manner prescribed by the laws heretofore passed on that subject: *Provided,* That nothing herein

* The oath of naturalization, when taken, confers the rights of a citizen. It is not necessary that there should be an order of court admitting the alien to become a citizen.—Campbell v. Gordon et al., 6 Cr. 176. Nor that it should appear by the record of naturalization that all the requisites presented by law for the admission of aliens have been complied with.—Stark v. Chesapeake Ins. Com., 7 Cr. 520.

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.—Con. art. 4, sec. 2.

Citizens of the United States have a right to expatriate themselves in time of war as well as of peace, until restrained by Congress. Such right is subject to the control of the Legislature, and to render the exercise of it valid, there must be an entire departure from the United States for a purpose which is not illegal, nor in fraud of the duties at home of the emigrant.—Talbot v. Jansen, 3 Dall. 133.—Santissima Trinidad, 7 Wheat. 548.—See U. S. v. Williams, 4 Hall's L. Journal, 461.—U. S. v. Gillies, 1 Pet. 161.

A citizen of the United States by becoming a citizen of another country does not thereby cease to be a citizen of the United States, nor is he absolved from his original allegiance.—Ibid. ibid. He may acquire in a foreign country the commercial privileges attached to his domicil, and be exempted from the operation of commercial acts embracing only persons resident in the United States or under its protection.—Murray v. Charming Betsy, 2 Cranch, 120.

contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

Approved July 30, 1813.

AN ACT relative to evidence in cases of naturalization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the certificate of report and registry required as evidence of the time of arrival in the United States, according to the second section of the act of the fourteenth of April, one thousand eight hundred and two, entitled "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," and also a certificate from the proper clerk or prothonotary of the declaration of intention, made before a court of record, and required as the first condition, according to the first section of said act, shall be exhibited by every alien, on his application to be admitted a citizen of the United States in pursuance of said act, who shall have arrived within the limits and under the jurisdiction of the United States since the eighteenth day of June, one thousand eight hundred and twelve, and shall each be recited at full length in the record of the court admitting such alien: otherwise he shall not be deemed to have complied with the conditions requisite for becoming a citizen of the United States; and any pretended admission of an alien who shall have arrived within the limits and under the jurisdiction of the United States since the said eighteenth day of June, one thousand eight hundred and twelve, to be a citizen, after the promulgation of this act, without such recital of each certificate at full length, shall be of no validity or effect under the act aforesaid.

SEC. 2. *Provided, and be it enacted*, That nothing herein contained shall be construed to exclude from admission to citizenship any free white person who was residing within the limits and under the jurisdiction of the United States at any time between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the fourteenth day of April, one thousand eight hundred and two, and who, having continued to reside therein without having made any declaration of intention before a court of record, as aforesaid, may be en-

titled to become a citizen of the United States according to the act of the 26th of March, one thousand eight hundred and four, entitled "An act in addition to an act entitled 'An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject.'" Whenever any person without a certificate of such declaration of intention as aforesaid shall make application to be admitted a citizen of the United States, it shall be proved, to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the fourteenth day of April, one thousand eight hundred and two, and has continued to reside within the same, or he shall not be so admitted. And the residence of the applicant within the limits and under the jurisdiction of the United States for at least five years immediately preceding the time of such application shall be proved by the oath or affirmation of citizens of the United States; which citizens shall be named in the record as witnesses. And such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant: otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Approved March 22, 1816.

AN ACT in further addition to "An act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed on that subject."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, and a minor, under the age of twenty-one years, who shall have resided in the United States three years next preceding his arriving at the age of twenty-one years, and who shall have continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he shall have resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States without having made the declaration required in the first condition of the first section

of the act to which this is an addition three years previous to his admission: *Provided*, Such alien shall make the declaration required therein at the time of his or her admission; and shall further declare, on oath, and prove, to the satisfaction of the court, that for three years next preceding it has been the *bona fide* intention of such alien to become a citizen of the United States, and shall in all other respects comply with the laws in regard to naturalization.

SEC. 2. *And be it further enacted*, That no certificates of citizenship or naturalization heretofore obtained from any court of record within the United States shall be deemed invalid in consequence of an omission to comply with the requisition of the first section of the act entitled "An act relative to evidence in cases of naturalization," passed the twenty-second day of March, one thousand eight hundred and sixteen.

SEC. 3. *And be it further enacted*, That the declaration required by the first condition specified in the first section of the act to which this is an addition shall, if the same has been *bona fide* made before the clerk of either of the courts in the said condition named, be as valid as if it had been made before the said courts respectively.

SEC. 4. *And be it further enacted*, That a declaration by any alien, being a free white person, of his intended application to be admitted a citizen of the United States, made, in the manner and form prescribed in the first condition specified in the first section of the act to which this is in addition, two years before his admission, shall be a sufficient compliance with said condition, anything in the said act, or in any subsequent act, to the contrary notwithstanding.

Approved May 26, 1824.

AN ACT to amend the acts concerning naturalization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second section of the act entitled "An act to establish a uniform rule of naturalization, and to repeal the acts heretofore passed on that subject," which was passed on the fourteenth day of April, one thousand eight hundred and two, and the first section of the act entitled "An act relative to evidence in cases of naturalization," passed on the twenty-second day

of March, one thousand eight hundred and sixteen, be, and the same are hereby, repealed.

SEC. 2. *And be it further enacted*, That any alien, being a free white person, who was residing within the limits and under the jurisdiction of the United States between the fourteenth day of April, one thousand eight hundred and two, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become a citizen: *Provided*, That whenever any person without a certificate of such declaration of intention shall make application to be admitted a citizen of the United States; it shall be proved, to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same, or he shall not be so admitted; and the residence of the applicant within the limits and under the jurisdiction of the United States for at least five years immediately preceding the time of such application shall be proved by the oath or affirmation of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place or places where the applicant has resided for at least five years, as aforesaid, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant: otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

Approved May 24, 1828.

AN ACT to amend the act entitled "An act for the regulation of seamen on board the public and private vessels of the United States," passed the third of March, eighteen hundred and thirteen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last clause of the twelfth section of the act hereby amended, consisting of the following words, to wit: "without being at any time during the said five years out of the territory of the United States," be, and the same is hereby, repealed.

Approved June 26, 1848.

AN ACT to secure the right of citizenship to children of citizens of the United States, born out of the limits thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That persons heretofore born, or hereafter to be born, out of the limits and jurisdiction of the United States, whose fathers were, or shall be at the time of their birth, citizens of the United States, shall be deemed and considered, and are hereby declared, to be citizens of the United States: *Provided, however,* That the rights of citizenship shall not descend to persons whose fathers never resided in the United States.

SEC. 2. *And be it further enacted,* That any woman who might lawfully be naturalized under the existing laws, married, or who shall be married, to a citizen of the United States, shall be deemed and taken to be a citizen.

Approved February 10, 1855.

JUDGE STORY, in commenting upon the naturalization clause in the 8th Section of Article I. of the Constitution, remarks that—

The propriety of confiding the power to establish an uniform rule of naturalization to the national government seems not to have occasioned any doubt or controversy in the convention. For aught that appears on the journals, it was conceded without objection.* Under the confederation, the States possessed the sole authority to exercise the power; and the dissimilarity of the system in different States was generally admitted, as a prominent defect, and laid the foundation of many delicate and intricate questions. As the free inhabitants of each State were entitled to all the privileges and immunities of citizens in all the other States,† it followed, that a single State possessed the power of forcing into every other State, with the enjoyment of every immunity and privilege, any alien whom it might choose to incorporate into its own society, however repugnant such admission might be to their polity, conveniences, and even prejudices. In effect every State possessed the power of

* Jour. of Convention, 220, 257.—One of the grievances stated in the Declaration of Independence was, that the king had endeavored to prevent the population of these States by obstructing the laws for naturalization of foreigners.

† The Confederation, art. 4.

naturalizing aliens in every other State; a power as mischievous in its nature as it was indiscreet in its actual exercise. In one State, residence for a short time might, and did confer the rights of citizenship. In others, qualifications of greater importance were required. An alien, therefore, incapacitated for the possession of certain rights by the laws of the latter, might, by a previous residence and naturalization in the former, elude at pleasure all their salutary regulations for self-protection. Thus the laws of a single State were preposterously rendered paramount to the laws of all the others, even within their own jurisdiction.* And it has been remarked with equal truth and justice, that it was owing to mere casualty, that the exercise of this power under the confederation did not involve the Union in the most serious embarrassments.† There is great wisdom, therefore, in confiding to the national government the power to establish a uniform rule of naturalization throughout the United States. It is of the deepest interest to the whole Union to know who are entitled to enjoy the rights of citizens in each State, since they thereby, in effect, become entitled to the rights of citizens in all the States. If aliens might be admitted indiscriminately to enjoy all the rights of citizens at the will of a single State, the Union might itself be endangered by an influx of foreigners, hostile to its institutions, ignorant of its powers, and incapable of a due estimate of its privileges.

It follows, from the very nature of the power, that to be useful, it must be exclusive; for a concurrent power in the States would bring back all the evils and embarrassments, which the uniform rule of the constitution was designed to remedy. And, accordingly, though there was a momentary hesitation, when the constitution first went into operation, whether the power might not still be exercised by the States, subject only to the control of Congress, so far as the legislation of the latter extended, as the supreme law;‡ yet the power is now firm-

* The Federalist, No. 42. † Ibid.

‡ *Collet* v. *Collet*, 2 Dall. R. 294; *United States* v. *Villato*, 2 Dall. 270; Sergeant on Const. Law, ch. 28, [ch. 30, 2d edit.]

ly established to be exclusive.* The Federalist, indeed, introduced this very case, as entirely clear, to illustrate the doctrine of an exclusive power by implication, arising from the repugnancy of a similar power in the States. "This power must necessarily be exclusive," say the authors; "because, if each State had power to prescribe a distinct rule, there could be no uniform rule."†

* See the Federalist, No. 32, 42; *Chirac* v. *Chirac*, 2 Wheat. R. 259, 269; Rawle on the Const. ch. 9, p. 84, 85 to 88; *Houston* v. *Moore*, 5 Wheat. R. 48, 49; *Golden* v. *Prince*, 3 Wash. Cir. Ct. R. 313, 322; 1 Kent's Comm. Lect. 19, p. 397; 1 Tuck. Black. Comm. App. 255 to 259; 12 Wheat. R. 277, per Johnson J.; but see Id. 307, per Thompson J.—A question is often discussed under this head, how far a person has a right to throw off his national allegiance, and to become the subject of another country, without the consent of his native country. This is usually denominated the right of expatriation. It is beside the purpose of these commentaries to enter into any consideration of this subject, as it does not properly belong to any constitutional inquiry. It may be stated, however, that there is no authority which has affirmatively maintained the right, (unless provided for by the laws of the particular country,) and there is a very strong current of reasoning on the other side, independent of the known practice and claims of the nations of modern Europe. See Rawle on the Constitution, ch. 9, p. 85 to 101; Sergeant on Const. Law, ch. 28, [ch. 30;] 2 Kent's Comm. Lect. 25, p. 35 to 42.

† The Federalist, No. 32.

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* See the Federalist, No. 32, 42; *Chirac* v. *Chirac*, 2 Wheat. R. 259, 269; Rawle on the Const. ch. 9, p. 84, 85 to 88; *Houston* v. *Moore*, 5 Wheat. R. 48, 49; *Golden* v. *Prince*, 3 Wash. Cir. Ct. R. 313, 322; 1 Kent's Comm. Lect. 19, p. 397; 1 Tuck. Black. Comm. App. 255 to 259; 12 Wheat. R. 277, per Johnson J.; but see Id. 307, per Thompson J.—A question is often discussed under this head, how far a person has a right to throw off his national allegiance, and to become the subject of another country, without the consent of his native country. This is usually denominated the right of expatriation. It is beside the purpose of these commentaries to enter into any consideration of this subject, as it does not properly belong to any constitutional inquiry. It may be stated, however, that there is no authority which has affirmatively maintained the right, (unless provided for by the laws of the particular country,) and there is a very strong current of reasoning on the other side, independent of the known practice and claims of the nations of modern Europe. See Rawle on the Constitution, ch. 9, p. 85 to 101; Sergeant on Const. Law, ch. 28, [ch. 30;] 2 Kent's Comm. Lect. 25, p. 35 to 42.

† The Federalist, No. 32.

LAWS OF THE UNITED STATES

RELATING TO

PASSENGERS AND PASSENGER SHIPS.

REMARKS.

THE several laws of the United States regulating the carriage of passengers in merchant vessels, in force prior to the act approved March 3d, 1855, were repealed by the last-mentioned act; but, as the repealing clause provided that nothing contained in said act should "in any wise obstruct or prevent the prosecution, recovery, distribution, or remission of any fines, penalties, or forfeitures which may have been incurred prior to the day this act goes into effect, under the laws hereby repealed, for which purpose the said laws shall continue in force," it is deemed advisable to insert here all the laws repealed by the said act of March 3d, 1855, in their order.

AN ACT regulating passenger ships and vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, if the master or other person on board of any ship or vessel, owned in the whole or in part by a citizen or citizens of the United States or the territories thereof, or by a subject or subjects, citizen or citizens, of any foreign country, shall, after the first day of January next, take on board of such ship or vessel, at any foreign port or place; or shall bring or convey into the United States, or the territories thereof, from any foreign port or place; or shall carry, convey, or transport, from the United States, or the territories thereof, to any foreign port or place, a greater number of passengers than two for every five tons of such ship or vessel, according to custom-house measurement, every such master, or other person so offending, and the owner or owners of such ship or vessel, shall severally forfeit and pay to the United States the sum of one hundred and fifty dollars, for each and every passenger so taken on board of such ship or vessel

over and above the aforesaid number of two to every five tons of such ship or vessel; to be recovered by suit, in any circuit or district court of the United States, where the said vessel may arrive, or where the owner or owners aforesaid may reside: *Provided, nevertheless,* That nothing in this act shall be taken to apply to the complement of men usually and ordinarily employed in navigating such ship or vessel.

SEC. 2. *And be it further enacted,* That if the number of passengers so taken on board of any ship or vessel as aforesaid, or conveyed or brought into the United States, or transported therefrom as aforesaid, shall exceed the said proportion of two to every five tons of such ship or vessel by the number of twenty passengers, in the whole, every such ship or vessel shall be deemed and taken to be forfeited to the United States, and shall be prosecuted and distributed in the same manner in which the forfeitures and penalties are recovered and distributed under the provisions of the act entitled "An act to regulate the collection of duties on imports and tonnage."

SEC. 3. *And be it further enacted,* That every ship or vessel bound on a voyage from the United States to any port on the continent of Europe, at the time of leaving the last port whence such ship or vessel shall sail, shall have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted provisions, one gallon of vinegar, and one hundred pounds of wholesome ship bread, for each and every passenger on board of such ship or vessel, over and above such other provisions, stores, and live stock as may be put on board by such master or passenger for their use, or that of the crew of such ship or vessel; and in like proportion for a shorter or a longer voyage; and if the passengers, on board of such ship or vessel in which the proportion of provisions herein directed shall not have been provided, shall at any time be put on short allowance, in water, flesh, vinegar, or bread, during any voyage aforesaid, the master and owner of such ship or vessel shall severally pay, to each and every passenger who shall have been put on short allowance as aforesaid, the sum of three dollars for each and every day they may have been on such short allowance; to be recovered in the same manner as seamen's wages are, or may be, recovered.

SEC. 4. *And be it further enacted,* That the captain or master of any ship or vessel arriving in the United States, or any of the territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and if there be no cargo, then at the time of making report or entry of the ship

or vessel, pursuant to the existing laws of the United States, shall also deliver and report, to the collector of the district in which such ship or vessel shall arrive, a list or manifest of all the passengers taken on board of the said ship or vessel at any foreign port or place; in which list or manifest it shall be the duty of the said master to designate, particularly, the age, sex, and occupation, of the said passengers, respectively, the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth whether any, and what number, have died on the voyage; which report and manifest shall be sworn to by the said master, in the same manner as is directed by the existing laws of the United States in relation to the manifest of the cargo, and that the refusal or neglect of the master aforesaid to comply with the provisions of this section shall incur the same penalties, disabilities, and forfeitures as are at present provided for a refusal or neglect to report and deliver a manifest of the cargo aforesaid.

SEC. 5. *And be it further enacted*, That each and every collector of the customs, to whom such manifest or list of passengers as aforesaid shall be delivered, shall, quarter-yearly, return copies thereof to the Secretary of State of the United States, by whom statements of the same shall be laid before Congress at each and every session.

Approved March 2, 1819.

AN ACT to regulate the carriage of passengers in merchant vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if the master of any vessel, owned in whole or in part by a citizen of the United States of America, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place, a greater number of passengers than in the following proportion to the space occupied by them and appropriated for their use, and unoccupied by stores or other goods, not being the personal luggage of such passengers, that is to say, on the lower deck or platform one passenger for every fourteen clear superficial feet of deck, if such vessel is not to pass within the tropics during such voyage; but if such vessel is to pass within the tropics during such voyage, then one passenger for every twenty such clear superficial feet of deck, and on the orlop deck (if any) one passenger for every thirty such

superficial feet in all cases, with intent to bring such passengers to the United States of America, and shall leave such port or place with the same, and bring the same, or any number thereof, within the jurisdiction of the United States aforesaid, or if any such master of a vessel shall take on board of his vessel, at any port or place within the jurisdiction of the United States aforesaid, any greater number of passengers than the proportions aforesaid admit, with intent to carry the same to any foreign port or place, every such master shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any circuit or district court of the United States aforesaid, shall, for each passenger taken on board beyond the above proportions, be fined in the sum of fifty dollars, and may also be imprisoned for any term not exceeding one year: *Provided*, That this act shall not be construed to permit any ship or vessel to carry more than two passengers to five tons of such ship or vessel.

SEC. 2. *And be it further enacted*, That if the passengers so taken on board of such vessel, and brought into or transported from the United States aforesaid, shall exceed the number limited by the last section to the number of twenty in the whole, such vessel shall be forfeited to the United States aforesaid, and be prosecuted and distributed as forfeitures are under the act to regulate duties on imports and tonnage.

SEC. 3. *And be it further enacted*, That if any such vessel as aforesaid shall have more than two tiers of berths, or in case, in such vessel, the interval between the floor and the deck or platform beneath shall not be at least six inches, and the berths well constructed; or in case the dimensions of such berths shall not be at least six feet in length, and at least eighteen inches in width, for each passenger as aforesaid, then the master of said vessel, and the owners thereof, severally, shall forfeit and pay the sum of five dollars for each and every passenger on board of said vessel on such voyage, to be recovered by the United States as aforesaid, in any circuit or district court of the United States where such vessel may arrive, or from which she sails.

SEC. 4. *And be it further enacted*, That, for the purposes of this act, it shall in all cases be computed that two children, each being under the age of eight years, shall be equal to one passenger, and that children under the age of one year shall not be included in the computation of the number of passengers.

SEC. 5. *And be it further enacted*, That the amount of the sev-

eral penalties imposed by this act shall be liens on the vessel or vessels violating its provisions; and such vessel may be libelled and sold therefor in the district court of the United States aforesaid in which such vessel shall arrive.

Approved February 22, 1847.

AN ACT to amend an act entitled "An act to regulate the carriage of passengers in merchant vessels," and to determine the time when said act shall take effect.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act to regulate the carriage of passengers in merchant vessels, approved the twenty-second day of February, eighteen hundred and forty-seven, shall, in regard to all vessels arriving from ports on this side of the Capes of Good Hope and Horn, take effect and be in force from and after the thirty-first day of May next ensuing; and in regard to all vessels arriving from places beyond said capes, on and after the thirtieth day of October next ensuing.

SEC. 2. *And be it further enacted,* That so much of said act as authorizes shippers to estimate two children of eight years of age and under as one passenger, in the assignment of room, is hereby repealed.

Approved March 2, 1847.

AN ACT exempting vessels employed by the American Colonization Society in transporting colored emigrants from the United States to the coast of Africa from the provisions of the acts of the 22d February and 2d of March, eighteen hundred and forty-seven, regulating the carriage of passengers in merchant vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, all and every vessel and vessels which shall or may be employed by the American Colonization Society, or by the Maryland State Colonization Society, to transport, and which shall actually transport, from any port or ports in the United States to any colony or colonies on the west coast of Africa, colored emigrants to reside there, shall be, and the same are hereby, excepted out of and exempted from the operation of the act entitled "An act to regulate the carriage of passengers in merchant vessels," passed twenty-second February, eighteen hundred and forty-seven; and of

the act entitled "An act to amend an act entitled 'An act to regulate the carriage of passengers in merchant vessels, and to determine the time when said act shall take effect,'" passed 2d March, 147.

Approved January 31, 1848.

AN ACT to provide for the ventilation of passenger vessels, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all vessels, whether of the United States or any other country, having sufficient capacity according to law for fifty or more passengers, (other than cabin passengers,) shall, when employed in transporting such passengers between the United States and Europe, have on the upper deck, for the use of such passengers, a house over the passage-way leading to the apartment allotted to such passengers below deck, firmly secured to the deck or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may, at all times, be left open for ventilation; and all vessels so employed, and having the capacity to carry one hundred and fifty such passengers, or more, shall have two such houses; and the stairs or ladder, leading down to the aforesaid apartment shall be furnished, with a hand-rail of wood or strong rope: *provided, nevertheless*, booby hatches may be substituted for such houses in vessels having three permanent decks.

SEC. 2. *And be it further enacted*, That every such vessel so employed, and having the legal capacity for more than one hundred such passengers, shall have at least two ventilators to purify the apartment or apartments occupied by such passengers; one of which shall be inserted in the after part of the apartment or apartments, and the other shall be placed in the forward portion of the apartment or apartments, and one of them shall have an exhausting cap to carry off the foul air, and the other a receiving cap to carry down the fresh air; which said ventilators shall have a capacity proportioned to the size of the apartment or apartments to be purified; namely, if the apartment or apartments will lawfully authorize the reception of two hundred such passengers, the capacity of such ventilators shall each of them be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments; and all said ventilators shall rise at least

four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction: *Provided*, That if it shall appear, from the report to be made and approved, as provided in the seventh section of this act, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed, and held to be, a compliance with the provisions of this section.

SEC. 3. *And be it further enacted*, That every vessel carrying more than fifty such passengers shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers; and provision shall be made in the manner aforesaid in this ratio for a greater or less number of passengers: *Provided*, however, And nothing herein contained shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

SEC. 4. *And be it further enacted*, That all vessels employed as aforesaid shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least fifteen pounds of good navy bread, ten pounds of rice, ten pounds of oat meal, ten pounds of wheat flour, ten pounds of peas and beans, thirty-five pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, free of bone, all to be of good quality, and a sufficient supply of fuel for cooking; but at places where either rice, oat meal, wheat flour, or peas and beans cannot be procured, of good quality and on reasonable terms, the quantity of either or any of the other last-named articles may be increased and substituted therefor; and in case potatoes cannot be procured on reasonable terms, one pound of either of said articles may be substituted in lieu of five pounds of potatoes; and the captains of such vessels shall deliver to each passenger at least one tenth part of the aforesaid provisions weekly, commencing on the day of sailing, and daily at least three quarts of water, and sufficient fuel for cooking; and if the passengers on board of any such vessel in which the provisions, fuel and water herein required shall not have been provided as aforesaid, shall at any time be put on short allowance during any voyage, the master or owner of any such vessels shall pay to each and every passenger who shall have been put on short allowance the sum of three dollars for each and every day they may have been on such short allowance, to be recovered in the cir-

United States, in thirty days from the time of its approval; and in respect to every such vessel sailing from ports in Europe, in sixty days after such approval; and it is hereby made the duty of the Secretary of State to give notice, in the ports of Europe, of this act, in such manner as he may deem proper.

SEC. 10. *And be it further enacted*, That so much of the first section of the act entitled "An act regulating passenger ships and vessels," approved March second, eighteen hundred and nineteen, or any other act that limits the number of passengers to two for every five tons, is hereby repealed.

Approved May 17, 1848.

AN ACT to extend the provisions of all laws now in force relating to the carriage of passengers in merchant vessels, and the regulation thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all vessels bound from any port in the United States to any port or place in the Pacific Ocean, or on its tributaries, or from any such port or place to any port in the United States on the Atlantic or its tributaries, shall be subject to the provisions of all the laws now in force relating to the carriage of passengers in merchant vessels, sailing to and from foreign countries, and the regulation thereof; except the fourth section of the "act to provide for the ventilation of passenger vessels, and for other purposes," approved May seventeenth, eighteen hundred and forty-eight, relating to provisions, water, and fuel; but the owners and masters of all such vessels shall in all cases furnish to each passenger the daily supply of water therein mentioned, and they shall furnish, or cause the passengers to furnish for themselves, a sufficient supply of good and wholesome food; and in case they shall fail so to do, or shall provide unwholesome or unsuitable provisions, they shall be subject to the penalty provided in said fourth section in case passengers are put on short allowance of water or provisions.

SEC. 2. *And be it further enacted*, That the act entitled "An act to regulate the carriage of passengers in merchant vessels," approved February 22, 1847, shall be so amended as that a vessel passing into or through the tropics shall be allowed to carry the same number of passengers as vessels that do not enter the tropics.

SEC. 3. *And be it further enacted*, That this act shall take

for each and every neglect or violation of any of the provisions of the fifth section of this act; to be recovered by suit in any circuit or district court of the United States, within the jurisdiction of which the said vessel may arrive, or from which it may be about to depart, or at any place within the jurisdiction of such court, wherever the owner or owners, or captain of such vessel, may be found.

SEC. 7. *And be it further enacted*, That the collector of the customs, at any port in the United States at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one of the inspectors of the customs for such port to examine such vessel, and report in writing to such collector whether the provisions of the first, second, third and fifth sections of this act have been complied with in respect to such vessel; and if such report shall state such compliance, and be approved by such collector, it shall be deemed and held as conclusive evidence thereof.

SEC. 8. *And be it further enacted*, That the first section of the act entitled "An act to regulate the carriage of passengers in merchant vessels," approved February twenty-second, eighteen hundred and forty-seven, be so amended, that when the height or distance between the decks of the vessels referred to in the said section shall be less than six feet, and not less than five feet, there shall be allowed to each passenger sixteen clear superficial feet on the deck, instead of fourteen, as prescribed in said section; and if the height or distance between the decks shall be less than five feet, there shall be allowed to each passenger twenty-two clear superficial feet on the deck; and if the master of any such vessel shall take on board his vessel, in any port of the United States, a greater number of passengers than is allowed by this section, with the intent specified in said first section of the act of eighteen hundred and forty-seven, or if the master of any such vessel shall take on board, at a foreign port, and bring within the jurisdiction of the United States, a greater number of passengers than is allowed by this section, said master shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner provided for the punishment of persons convicted of a violation of the act aforesaid; and in computing the number of passengers on board such vessels, all children under the age of one year, at the time of embarkation, shall be excluded from such computation.

SEC. 9. *And be it further enacted*, That this act shall take effect, in respect to such vessels sailing from ports in the

United States, in thirty days from the time of its approval; and in respect to every such vessel sailing from ports in Europe, in sixty days after such approval; and it is hereby made the duty of the Secretary of State to give notice, in the ports of Europe, of this act, in such manner as he may deem proper.

SEC. 10. *And be it further enacted,* That so much of the first section of the act entitled "An act regulating passenger ships and vessels," approved March second, eighteen hundred and nineteen, or any other act that limits the number of passengers to two for every five tons, is hereby repealed.

Approved May 17, 1848.

AN ACT to extend the provisions of all laws now in force relating to the carriage of passengers in merchant vessels, and the regulation thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all vessels bound from any port in the United States to any port or place in the Pacific Ocean, or on its tributaries, or from any such port or place to any port in the United States on the Atlantic or its tributaries, shall be subject to the provisions of all the laws now in force relating to the carriage of passengers in merchant vessels, sailing to and from foreign countries, and the regulation thereof; except the fourth section of the "act to provide for the ventilation of passenger vessels, and for other purposes," approved May seventeenth, eighteen hundred and forty-eight, relating to provisions, water, and fuel; but the owners and masters of all such vessels shall in all cases furnish to each passenger the daily supply of water therein mentioned, and they shall furnish, or cause the passengers to furnish for themselves, a sufficient supply of good and wholesome food; and in case they shall fail so to do, or shall provide unwholesome or unsuitable provisions, they shall be subject to the penalty provided in said fourth section in case passengers are put on short allowance of water or provisions.

SEC. 2. *And be it further enacted,* That the act entitled "An act to regulate the carriage of passengers in merchant vessels," approved February 22, 1847, shall be so amended as that a vessel passing into or through the tropics shall be allowed to carry the same number of passengers as vessels that do not enter the tropics.

SEC. 3. *And be it further enacted,* That this act shall take

any fines, penalties, and forfeitures which may have been incurred under former laws prior to the day this act shall go into effect; which, with respect to vessels sailing from ports in the United States on the eastern side of the continent, is within thirty days from the time of its approval; with respect to vessels sailing from ports in the United States on the western side of the continent, and from ports in Europe, is within sixty days from the time of its approval; and with respect to vessels sailing from ports in other parts of the world, is within six months from the time of its approval. The provisions of existing laws will be enforced until this act shall go into effect, as above specified.

It is deemed sufficient only further to call your particular attention to the 1st, 2d, 6th, 10th, 11th, 14th, 15th, 16th, and 17th sections of this act, in which certain provisions, different from existing laws, have been enacted, and to state that all the requirements of said sections must be strictly enforced.

Collectors are directed to furnish the masters of all vessels engaged in transporting passengers between their respective ports and foreign countries, and each owner or consignee of any such vessels residing at their ports, with one copy of this circular.

JAMES GUTHRIE,
Secretary of the Treasury.

AN ACT to regulate the carriage of passengers in steamships and other vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no master of any vessel owned in whole or in part by a citizen of the United States, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place other than foreign contiguous territory of the United States, a greater number of passengers than in proportion of one to every two tons of such vessel, not including children under the age of one year in the computation, and computing two children over one and under eight years of age as one passenger. That the spaces appropriated for the use of such passengers, and which shall not be occupied by stores or other goods not the personal baggage of such passengers, shall be in the following proportions, viz: On the main and poop decks or platforms, and in the deck houses, if there be any, one passenger

for each sixteen clear superficial feet of deck, if the height or distance between the decks or platform shall not be less than six feet; and on the lower deck, (not being an orlop deck,) if any, one passenger for eighteen such clear superficial feet, if the height or distance between the decks or platforms shall not be less than six feet, but so as that no passenger shall be carried on any other deck or platform, nor upon any deck where the height or distance between decks is less than six feet, with intent to bring such passenger to the United States, and shall leave such port or place and bring the same, or any number thereof, within the jurisdiction of the United States; or if any such master of any vessel shall take on board his vessel, at any port or place within the jurisdiction of the United States, any greater number of passengers than in the proportion aforesaid to the space aforesaid, or to the tonnage aforesaid, with intent to carry the same to any foreign port or place other than foreign contiguous territory as aforesaid, every such master shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any circuit or district court of the United States, shall, for each passenger taken on board beyond the limit aforesaid, or the space aforesaid, be fined in the sum of fifty dollars, and may also be imprisoned, at the discretion of the judge before whom the penalty shall be recovered, not exceeding six months; but should it be necessary for the safety or convenience of the vessel, that any portion of her cargo or any other articles, or article, should be placed on, or stored in, any of the decks, cabins, or other places appropriated to the use of passengers, the same may be placed in lockers or enclosures prepared for the purpose, on an exterior surface impervious to the wave, capable of being cleansed in like manner as the decks or platforms of the vessel. In no case, however, shall the places thus provided be deemed to be a part of the space allowable for the use of passengers, but the same shall be deducted therefrom, and in all cases where prepared or used, the upper surface of said lockers or enclosed spaces shall be deemed and taken to be the deck or platform from which measurement shall be made for all the purposes of this act. It is also provided that one hospital in the spaces appropriated to passengers, and separate therefrom by an appropriate partition, and furnished as its purposes require, may be prepared, and, when used, may be included in the space allowable for passengers, but the same shall not occupy more than one hundred superficial feet of deck or platform: *Provided*, That on board two-deck ships, where the height between the decks is seven and one-half feet or more,

fourteen clear superficial feet of deck shall be the proportion required for each passenger.

SEC. 2. *And be it further enacted*, That no such vessel shall have more than two tiers of berths, and the interval between the lowest part thereof and the deck or platform beneath shall not be less than nine inches, and the berths shall be well constructed, parallel with the sides of the vessel, and separated from each other by partitions, as berths ordinarily are separated, and shall be at least six feet in length and at least two feet in width, and each berth shall be occupied by no more than one passenger; but double berths of twice the above width may be constructed, each berth to be occupied by no more, and by no other, than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men, members of the same family; and if there shall be any violation of this section in any of its provisions, then the master of the vessel and the owners thereof shall severally forfeit and pay the sum of five dollars for each passenger on board of said vessel on such voyage, to be recovered by the United States in any port where such vessel may arrive or depart.

SEC. 3. *And be it further enacted*, That all vessels, whether of the United States or any foreign country, having sufficient capacity or space, according to law, for fifty or more passengers, (other than cabin passengers,) shall, when employed in transporting such passengers between the United States and Europe, have on the upper deck, for the use of such passengers, a house over the passage-way leading to the apartments allotted to such passengers below deck, firmly secured to the deck or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may at all times be left open for ventilation; and all vessels so employed, and having the capacity to carry one hundred and fifty such passengers or more, shall have two such houses; and the stairs or ladder, leading down to the aforesaid apartment, shall be furnished with a hand-rail of wood or strong rope; but booby hatches may be substituted for such houses.

SEC. 4. *And be it further enacted*, That every such vessel so employed, and having the legal capacity for more than one hundred such passengers, shall have at least two ventilators to purify the apartment or apartments occupied by such passengers; one of which shall be inserted in the after part of the apartment or apartments, and the other shall be placed in the

forward portion of the apartment or apartments, and one of them shall have an exhausting cap to carry off the foul air, and the other a receiving cap to carry down the fresh air; which said ventilators shall have a capacity proportioned to the size of the apartment or apartments to be purified, namely: if the apartment or apartments will lawfully authorize the reception of two hundred such passengers, the capacity of such ventilators shall each be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments; and all said ventilators shall rise at least four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction; but if it shall appear, from the report, to be made and approved, as hereinafter provided, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed and held to be a compliance with the provisions of this section.

SEC. 5. *And be it further enacted,* That every vessel carrying more than fifty such passengers shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers; and provision shall be made in the manner aforesaid, in this ratio, for a greater or less number of passengers; but nothing herein contained shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

SEC. 6. *And be it further enacted,* That all vessels employed as aforesaid shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least twenty pounds of good navy bread, fifteen pounds of rice, fifteen pounds of oatmeal, ten pounds of wheat flour, fifteen pounds of peas and beans, twenty pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, and ten pounds of salt beef, free of bones, all to be of good quality; but at places where either rice, oatmeal, wheat flour, or peas and beans cannot be procured, of good quality and on reasonable terms, the quantity of either or any of the other last named articles may be increased and substituted therefor; and, in case potatoes cannot be procured on reasonable terms, one pound of either of said articles may be substituted in lieu of five pounds of potatoes; and the captains of such vessels shall deliver to each passenger at least one-tenth part of the aforesaid provisions weekly, commencing on the

day of sailing, and at least three quarts of water daily; and if the passengers on board of any such vessel in which the provisions and water herein required shall not have been provided as aforesaid, shall, at any time, be put on short allowance during any voyage, the master or owner of any such vessel shall pay, to each and every passenger who shall have been put on short allowance, the sum of three dollars for each and every day they may have been put on short allowance, to be recovered in the circuit or district court of the United States; and it shall be the duty of the captains or master of every such ship or vessel to cause the food and provisions of all the passengers to be well and properly cooked daily, and to be served out and distributed to them at regular and stated hours by messes, or in such other manner as shall be deemed best and most conducive to the health and comfort of such passengers, of which hours, and manner of distribution, due and sufficient notice shall be given. If the captain or master of any such ship or vessel shall wilfully fail to furnish and distribute such provisions, cooked as aforesaid, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any circuit or district court of the United States, shall be fined not more than one thousand dollars, and shall be imprisoned for a term not exceeding one year: *Provided*, That the enforcement of this penalty shall not effect the civil responsibility of the captain or master and owners to such passengers as may have suffered from said default.

SEC. 7. *And be it further enacted*, That the captain of any such vessel so employed is hereby authorized to maintain good discipline and such habits of cleanliness among such passengers as will tend to the preservation and promotion of health; and to that end, he shall cause such regulations as he may adopt for this purpose, to be posted up, before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage; and it is hereby made the duty of said captain to cause the apartments occupied by such passengers to be kept at all times in a clean, healthy state; and the owners of every such vessel so employed are required to construct the decks, and all parts of said apartment, so that it can be thoroughly cleansed; and they shall also provide a safe, convenient privy or water-closet for the exclusive use of every one hundred such passengers. And when the weather is such that said passengers cannot be mustered on deck with their bedding, it shall be the duty of the captain of every such vessel to cause the deck, occupied by such passengers, to be cleansed with chloride of lime, or some other

equally efficient disinfecting agent, and also at such other times as said captain may deem necessary.

SEC. 8. *And be it further enacted*, That the master and owner or owners of any such vessel so employed, which shall not be provided with the house or houses over the passage-ways, as prescribed in the third section of this chapter, or with ventilators, as prescribed in the fourth section of this chapter, or with the cambooses or cooking ranges, with the houses over them, as prescribed in the fifth section of this chapter, shall severally forfeit and pay to the United States the sum of two hundred dollars for each and every violation of, or neglect to conform to, the provisions of each of said sections; and fifty dollars for each and every neglect or violation of any of the provisions of the seventh section of this chapter, to be recovered by suit in any circuit or district court of the United States, within the jurisdiction of which the said vessel may arrive, or from which she may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or owners, or captain of such vessel, may be found.

SEC. 9. *And be it further enacted*, That the collector of the customs at any port of the United States at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one or more of the inspectors of the customs for such port to examine such vessel, and report in writing to such collector, whether the requirements of law have been complied with in respect to such vessel; and if such report shall state such compliance, and shall be approved by such collector, it shall be deemed and held as *prima facie* evidence thereof.

SEC. 10. *And be it further enacted*, That the provisions, requisitions, penalties, and liens of this act, relating to the space in vessels appropriated to the use of passengers, are hereby extended and made applicable to all spaces appropriated to the use of steerage passengers in vessels propelled in whole or in part by steam, and navigating from, to, and between the ports, and in manner as in this act named, and to such vessels and to the masters thereof; and so much of the act entitled "An act to amend an act entitled 'An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, and for other purposes,'" approved August thirtieth, eighteen hundred and fifty-two, as conflicts with this act, is hereby repealed; and the space appropriated to the use of steerage passengers in vessels so as above propelled and navigated is hereby subject to the super-

vision and inspection of the collector of the customs at any port of the United States at which any such vessel shall arrive, or from which she shall be about to depart; and the same shall be examined and reported in the same manner and by the same officers by the next preceding section directed to examine and report.

SEC. 11. *And be it further enacted*, That the vessels bound from any port in the United States to any port or place in the Pacific ocean, or on its tributaries, or from any such port or place to any port in the United States on the Atlantic or its tributaries, shall be subject to the foregoing provisions regulating the carriage of passengers in merchant vessels, except so much as relates to provisions and water; but the owners and masters of all such vessels shall in all cases furnish to each passenger the daily supply of water therein mentioned; and they shall furnish a sufficient supply of good and wholesome food, properly cooked; and in case they shall fail so to do, or shall provide unwholesome or unsuitable provisions, they shall be subject to the penalty provided in the sixth section of this chapter, in case the passengers are put on short allowance of water or provisions.

SEC. 12. *And be it further enacted*, That the captain or master of any ship or vessel arriving in the United States, or any of the territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and if there be no cargo, then at the time of making report or entry of the ship or vessel, pursuant to law, shall also deliver and report to the collector of the district in which such ship or vessel shall arrive, a list or manifest of all the passengers taken on board of the said ship or vessel at any foreign port or place; in which list or manifest it shall be the duty of the said master to designate particularly the age, sex, and occupation of the said passengers, respectively, the part of the vessel occupied by each during the voyage, the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth whether any and what number have died on the voyage; which list or manifest shall be sworn to by the said master, in the same manner as directed by law in relation to the manifest of the cargo, and the refusal or neglect of the master aforesaid to comply with the provisions of this section, or any part thereof, shall incur the same penalties, disabilities, and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo aforesaid.

SEC. 13. *And be it further enacted,* That each and every collector of the customs, to whom such manifest or list of passengers as aforesaid shall be delivered, shall quarter-yearly return copies thereof to the Secretary of State of the United States, by whom statements of the same shall be laid before Congress at each and every session.

SEC. 14. *And be it further enacted,* That in case there shall have occurred on board any ship or vessel arriving at any port or place within the United States or its territories, any death or deaths among the passengers, (other than cabin passengers,) the master, or captain, or owner, or consignee of such ship or vessel shall, within twenty-four hours after the time within which the report and list or manifest of passengers mentioned in section 12 of this act is required to be delivered to the collector of the customs, pay to the said collector the sum of ten dollars for each and every passenger above the age of eight years who shall have died on the voyage by natural disease; and the said collector shall pay the money thus received, at such times and in such manner as the Secretary of the Treasury, by general rules, shall direct, to any board or commission appointed by and acting under the authority of the State within which the port where such ship or vessel arrived is situated, for the care and protection of sick, indigent, or destitute emigrants, to be applied to the objects of their appointment; and if there be more than one board or commission who shall claim such payment, the Secretary of the Treasury, for the time being, shall determine which is entitled to receive the same, and his decision in the premises shall be final and without appeal: *Provided,* That the payment shall, in no case, be awarded or made to any board, or commission, or association formed for the protection or advancement of any particular class of emigrants, or emigrants of any particular nation or creed; and if the master, captain, owner, or consignee of any ship or vessel refuse or neglect to pay to the collector the sum and sums of money required, and within the time prescribed by this section, he or they shall severally forfeit and pay the sum of fifty dollars, in addition to such sum of ten dollars for each and every passenger upon whose death the same has become payable, to be recovered by the United States in any circuit or district court of the United States where such vessel may arrive, or such master, captain, owner, or consignee may reside; and when recovered, the said money shall be disposed of in the same manner as is directed with respect to the sum and sums required to be paid to the collector of customs.

SEC. 15. *And be it further enacted*, That the amount of the several penalties imposed by the foregoing provisions regulating the carriage of passengers in merchant vessels shall be liens on the vessel or vessels violating those provisions, and such vessel or vessels shall be libelled therefor in any circuit or district court of the United States where such vessel or vessels shall arrive.

SEC. 16. *And be it further enacted*, That all and every vessel or vessels which shall or may be employed by the American Colonization Society, or the Colonization Society of any State, to transport, and which shall actually transport, from any port or ports of the United States to any colony or colonies on the west coast of Africa, colored emigrants to reside there, shall be, and the same are hereby, subjected to the operation of the foregoing provisions, regulating the carriage of passengers in merchant vessels.

SEC. 17. *And be it further enacted*, That the collector of the customs shall examine each emigrant ship or vessel, on its arrival at his port, and ascertain and report to the Secretary of the Treasury the time of sailing, the length of the voyage, the ventilation, the number of passengers, their space on board, their food, the native country of the emigrants, the number of deaths, the age and sex of those who died during the voyage; together with his opinion of the cause of the mortality, if any, on board, and, if none, what precautionary measures, arrangements, or habits are supposed to have had any, and what agency in causing the exemption.

SEC. 18. *And be it further enacted*, That this act shall take effect, with respect to vessels sailing from ports in the United States on the eastern side of the continent, within thirty days from the time of its approval; and with respect to vessels sailing from ports in the United States on the western side of the continent, and from ports in Europe, within sixty days from the time of its approval; and with respect to vessels sailing from ports in other parts of the world, within six months from the time of its approval.

And it is hereby made the duty of the Secretary of State to give notice, in the ports of Europe and elsewhere, of this act, in such manner as he shall deem proper.

SEC. 19. *And be it further enacted*, That from and after the time that this act shall take effect with respect to any vessels, then, in respect to such vessels, the act of second March, eighteen hundred and nineteen, entitled "An act regulating passenger ships and vessels;" the act of twenty-second of February,

eighteen hundred and forty-seven, entitled "An act to regulate the carriage of passengers in merchant vessels;" the act of second March, eighteen hundred and forty-seven, entitled "An act to amend an act entitled 'An act to regulate the carriage of passengers in merchant vessels,' and to determine the time when said act shall take effect;" the act of thirty-first January, eighteen hundred and forty-eight, entitled "An act exempting vessels employed by the American Colonization Society in transporting colored emigrants from the United States to the coast of Africa from the provisions of the acts of the twenty-second February and second of March, eighteen hundred and forty-seven, regulating the carriage of passengers in merchant vessels;" the act of seventeenth May, eighteen hundred and forty-eight, entitled "An act to provide for the ventilation of passenger vessels, and for other purposes;" and the act of third March, eighteen hundred and forty-nine, entitled "An act to extend the provisions of all laws now in force relating to the carriage of passengers in merchant vessels, and the regulation thereof," are hereby repealed. But nothing in this act contained shall in any wise obstruct or prevent the prosecution, recovery, distribution, or remission of any fines, penalties, or forfeitures which may have been incurred in respect to any vessels prior to the day this act goes into effect, in respect to such vessels under the laws hereby repealed, for which purpose the said laws shall continue in force.

But the Secretary of the Treasury may, in his discretion, and upon such conditions as he shall think proper, discontinue any such prosecutions, or remit or modify such penalties.*

Approved March 3, 1855.

* The passenger laws of the United States apply only to passengers whilst on their voyage, and until they shall have landed. After the landing of passengers, the laws of the United States do not come in conflict with the laws of a State, which oblige security to be given against their becoming chargeable as paupers; and for their removal out of the State, in the event of their not becoming so chargeable. *City of New York* v. *Miln*, 11 *Peters*, 102.

Persons are not the subject of commerce; and not being imported goods, they do not fall within the reasoning founded upon the construction of a power given to Congress to regulate commerce, and the prohibition of the States from imposing a duty on foreign goods.—*Ibid.*

In estimating the number of passengers in a vessel, no deduction is to be made for children or persons not paying; but those employed in navigating the vessel are not to be included.—*United States* v. *the Louisa Barbara, Gilpin's D. C. R.* 332.

In estimating the tonnage of a vessel bringing passengers from a foreign country, the measurement of the custom-house, in the port of the United States where the vessel arrives, is to be taken.—*Ibid.*

LAWS OF THE UNITED STATES

PROVIDING FOR

THE BETTER SECURITY OF THE LIVES OF PASSENGERS ON BOARD OF VESSELS PROPELLED IN WHOLE OR IN PART BY STEAM.

AN ACT to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of all owners of steamboats, or vessels propelled in whole or in part by steam, on or before the first day of October, one thousand eight hundred and thirty-eight, to make a new enrolment of the same, under the existing laws of the United States, and take out from the collector or surveyor of the port, as the case may be, where such vessel is enrolled, a new license, under such conditions as are now imposed by law, and as shall be imposed by this act.

SEC. 2. *And be it further enacted*, That it shall not be lawful for the owner, master, or captain of any steamboat or vessel propelled in whole or in part by steam, to transport any goods, wares, and merchandise, or passengers, in or upon the bays, lakes, rivers, or other navigable waters of the United States, from and after the said first day of October, one thousand eight hundred and thirty-eight; without having first obtained, from the proper officer, a license under the existing laws, and without having complied with the conditions imposed by this act; and for each and every violation of this section, the owner or owners of said vessel shall forfeit and pay to the United States the sum of five hundred dollars, one-half for the use of the informer; and for which sum or sums the steamboat or vessel so engaged shall be liable, and may be seized and proceeded against summarily, by way of libel, in any district court of the United States having jurisdiction of the offence.

SEC. 3. *And be it further enacted,* That it shall be the duty of the district judge of the United States, within whose district any ports of entry or delivery may be, on the navigable waters, bays, lakes, and rivers of the United States, upon the application of the master or owner of any steamboat or vessel propelled in whole or in part by steam, to appoint, from time to time, one or more persons skilled and competent to make inspections of such boats and vessels, and of the boilers and machinery employed in the same, who shall not be interested in the manufacture of steam engines, steamboat boilers, or other machinery belonging to steam vessels, whose duty it shall be to make such inspection when called upon for that purpose, and to give to the owner or master of such boat or vessel duplicate certificates of such inspection; such persons, before entering upon the duties enjoined by this act, shall make and subscribe an oath or affirmation before said district judge, or other officer duly authorized to administer oaths, well, faithfully, and impartially to execute and perform the services herein required of them.

SEC. 4. *And be it further enacted,* That the person or persons who shall be called upon to inspect the hull of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, give to the owner or master, as the case may be, a certificate, in which shall be stated the age of the said boat or vessel, when and where originally built, and the length of time the same has been running. And he or they shall also state whether, in his or their opinion, the said boat or vessel is sound, and in all respects seaworthy, and fit to be used for the transportation of freight or passengers; for which service, so performed upon each and every boat or vessel, the inspectors shall each be paid and allowed by said master or owner applying for such inspection, the sum of five dollars.

SEC. 5. *And be it further enacted,* That the person or persons who shall be called upon to inspect the boilers and machinery of any steamboat or vessel, under the provisions of this act, shall, after a thorough examination of the same, make a certificate, in which he or they shall state his or their opinion whether said boilers are sound and fit for use, together with the age of the boilers; and duplicates thereof shall be delivered to the owner or master of such vessel one of which it shall be the duty of the said master and owner to deliver to the collector or surveyor of the port whenever he shall apply for a license, or for a renewal of a license; the other he shall cause to be

posted up, and kept in some conspicuous part of said boat, for the information of the public; and for each and every inspection so made, each of the said inspectors shall be paid by the said master or owner applying, the sum of five dollars.

SEC. 6. *And be it further enacted*, That it shall be the duty of the owners and masters of steamboats to cause the inspection provided under the fourth section of this act to be made at least once in every twelve months; and the examination required by the fifth section, at least once in every six months; and deliver to the collector or surveyor of the port where his boat or vessel has been enrolled or licensed, the certificate of such inspection; and, on a failure thereof, he or they shall forfeit the license granted to such boat or vessel, and be subject to the same penalty as though he had run said boat or vessel without having obtained such license, to be recovered in like manner. And it shall be the duty of the owners and masters of the steamboats licensed in pursuance of the provisions of this act, to employ on board of their respective boats a competent number of experienced and skilful engineers, and, in case of neglect to do so, the said owners and masters shall be held responsible for all damages to the property or any passenger on board of any boat occasioned by an explosion of the boiler or any derangement of the engine or machinery of any boat.

SEC. 7. *And be it further enacted*, That whenever the master of any boat or vessel, or the person or persons charged with navigating said boat or vessel, which is propelled in whole or in part by steam, shall stop the motion or headway of said boat or vessel, or when the said boat or vessel shall be stopped for the purpose of discharging or taking in cargo, fuel or passengers, he or they shall open the safety-valve, so as to keep the steam down in said boiler as near as practicable to what it is when the said boat or vessel is under headway, under the penalty of two hundred dollars for each and every offence.

SEC. 8. *And be it further enacted*, That it shall be the duty of the owner and master of every steam vessel engaged in the transportation of freight or passengers, at sea or on the lakes Champlain, Ontario, Erie, Huron, Superior, and Michigan, the tonnage of which vessel shall not exceed two hundred tons, to provide and to carry with the said boat or vessel, upon each and every voyage, two long-boats or yawls, each of which shall be competent to carry at least twenty persons; and where the tonnage of said vessel shall exceed two hundred tons it shall be the duty of the owner and master to provide and carry, as aforesaid, not less than three long-boats or yawls,

of the same or larger dimensions; and for every failure in these particulars, the said master and owner shall forfeit and pay three hundred dollars.

SEC. 9. *And be it further enacted,* That it shall be the duty of the master and owner of every steam vessel employed on either of the lakes mentioned in the last section, or on the sea to provide, as a part of the necessary furniture, a suction-hose and fire engine and hose suitable to be worked on said boat in case of fire, and carry the same upon each and every voyage, in good order; and that iron rods or chains shall be employed and used in the navigation of all steamboats, instead of wheel or tiller ropes; and for a failure to do which, they, and each of them shall forfeit and pay the sum of three hundred dollars.

SEC. 10. *And be it further enacted,* That it shall be the duty of the master and owner of every steamboat, running between sunset and sunrise, to carry one or more signal lights, that may be seen by other boats navigating the same waters, under the penalty of two hundred dollars.

SEC. 11. *And be it further enacted,* That the penalties imposed by this act may be sued for and recovered in the name of the United States, in the district or circuit court of such district or circuit where the offence shall have been committed, or forfeiture incurred, or in which the owner or master of said vessel may reside, one half to the use of the informer, and the other to the use of the United States; or the said penalty may be prosecuted for by indictment in either of the said courts.

SEC. 12. *And be it further enacted,* That every captain, engineer, pilot, or other person employed on board of any steamboat or vessel propelled in whole or in part by steam, by whose misconduct, negligence, or inattention to his or their respective duties, the life or lives of any person or persons on board said vessel may be destroyed, shall be deemed guilty of manslaughter, and, upon conviction thereof before any circuit court in the United States, shall be sentenced to confinement at hard labor for a period not more than ten years.

SEC. 13. *And be it further enacted,* That in all suits and actions against proprietors of steamboats, for injuries arising to person or property from the bursting of the boiler of any steamboat, or the collapse of a flue, or other injurious escape of steam, the fact of such bursting, collapse, or injurious escape of steam, shall be taken as full prima facie evidence, sufficient to charge the defendant or those in his employment, with negli-

gence, until he shall show that no negligence has been committed by him or those in his employment.

Approved July 7th, 1838.

AN ACT to modify the act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July seventh, eighteen hundred and thirty-eight.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every boat or vessel which existing laws require to be registered, and which is propelled in whole or in part by steam, shall be provided with such additional apparatus or means as, in the opinion of the inspector of steamboats, shall be requisite to steer the boat or vessel, to be located in such part of the boat or vessel as the inspector may deem best to enable the officers and crew to steer and control the boat or vessel, in case the pilot or man at the wheel is driven from the same by fire; and no boat or vessel, exclusively propelled by steam, shall be registered, after the passage of this act, unless the owner, master, or other proper person, shall file with the collector or other proper officer the certificate of the inspector, stating that suitable means have been provided to steer the boat or vessel, in case the pilot or man at the wheel is driven therefrom by fire.

SEC. 2. *And be it further enacted*, That it shall be lawful in all vessels or boats propelled in whole or in part by steam, and which shall be provided with additional apparatus or means to steer the same, as required by the first section of this act, to use wheel or tiller ropes, composed of hemp or other good and sufficient material, around the barrel or axle of the wheel, and to a distance not exceeding twenty-two feet therefrom, and also in connecting the tiller or rudder yoke with iron rods or chains used for working the rudder: *Provided*, That no more rope for this purpose shall be used than is sufficient to extend from the connecting points of the tiller or rudder yoke placed in any working position beyond the nearest blocks or rollers, and give sufficient play to work the ropes on such blocks or rollers: *And provided further*, That there shall be chains extending the whole distance of the ropes, so connected with the tiller or rudder yoke, and attached or fastened to the tiller or rudder yoke, and the iron chains or rods extending towards the wheel, in such manner as will take immediate

effect and work the rudder in case the ropes are burnt or otherwise rendered useless.

SEC. 3. *And be it further enacted,* That the master and owner, and all others interested in vessels navigating lakes Champlain, Ontario, Erie, Huron, Superior and Michigan, or any of them, and which are propelled by sails and Erickson's propeller, and used exclusively in carrying freight, shall from and after the passage of this act be exempt from liability or fine for failing to provide, as a part of the necessary furniture of such vessel, a suction hose and fire engine and hose suitable to be worked on such vessel in case of fire, or more than one long boat or yawl.

SEC. 4. *And be it further enacted,* That it shall be lawful for the court before which any suit, information or indictment is or shall be pending for the violation, before the passage of this act, of so much of the ninth section of the act aforesaid as requires "that iron rods or chains shall be employed and used in the navigation of all steamboats, instead of wheel and tiller ropes," to order such suit, information or indictment to be discontinued, on such terms as to costs as the court shall judge to be just and reasonable: *Provided,* That the defendant or defendants in such prosecution shall cause it to appear, by affidavit or otherwise, to the satisfaction of the court, that he or they had failed to use iron rods or chains in the navigation of his or their boat or boats, from a well-grounded apprehension that such rods or chains could not be employed for the purpose aforesaid with safety.

SEC. 5. *And be it further enacted,* That in execution of the authority vested in him by the second section of the joint resolution "authorizing experiments to be made for the purpose of testing Samuel Colt's sub-marine battery and for other purposes," approved August thirty-first, one thousand eight hundred and forty-two, the Secretary of the Navy shall appoint a board of examiners, consisting of three persons, of thorough knowledge as to the structure and use of the steam engine, whose duty it shall be to make experimental trials of such inventions and plans designed to prevent the explosion of steam boilers and collapsing of flues as they may deem worthy of examination, and report the result of their experiments, with an expression of their opinion as to the relative merits and efficacy of such inventions and plans, which report the Secretary shall cause to be laid before Congress, at its next session. It shall also be the duty of said examiners to examine and report the relative strength of copper and iron boilers of equal

thickness, and what amount of steam to the square inch when sound is capable of working with safety; and whether hydrostatic pressure, or what other plan is best for testing the strength of boilers under the inspection laws; and what limitations as to the force or pressure of steam to the square inch, in proportion to the ascertained capacity of a boiler to resist, it would be proper to establish by law for the more certain prevention of explosions.

SEC. 6. *And be it further enacted*, That so much of the act aforesaid as is inconsistent with the provisions of this act shall be, and the same is hereby repealed.

Approved March 3d, 1843.

AN ACT to amend an act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no license, register, or enrolment, under the provisions of this or the act to which this is an amendment, shall be granted, or other papers issued, by any collector to any vessel propelled in whole or in part by steam, and carrying passengers, until he shall have satisfactory evidence that all the provisions of this act have been fully complied with; and if any such vessel shall be navigated, with passengers on board, without complying with the terms of this act, the owners thereof, and the vessel itself, shall be subject to the penalties contained in the second section of the act to which this is an amendment.

SEC. 2. *And be it further enacted*, That it shall be the duty of the inspectors of the hulls of steamers, and the inspectors of boilers and engines, appointed under the provisions of this act, to examine and see that suitable and safe provisions are made throughout such vessel to guard against loss or danger from fire; and no license or other papers, on any application, shall be granted if the provisions of this act for preventing fires are not complied with, or if any combustible material liable to take fire from heated iron, or any other heat generated on board of such vessels in and about the boilers, pipes, or machinery shall be placed at less than eighteen inches distant from such heated metal or other substance likely to cause ignition, unless a column of air or water intervenes between such

heated surface and any wood or other combustible material so exposed, sufficient at all times, and under all circumstances, to prevent ignition; and further, when wood is so exposed to ignition, as an additional preventive, it shall be shielded by some incombustible material in such manner as to leave the air to circulate freely between such material and the wood: *Provided, however,* That when the structure of such steamers is such, or the arrangement of the boilers or machinery is such, that the requirements aforesaid cannot, without serious inconvenience or sacrifice, be complied with, inspectors may vary therefrom, if, in their judgment, it can be done with safety.

SEC. 3. *And be it further enacted,* That every vessel so propelled by steam, and carrying passengers, shall have not less than three double-acting forcing pumps, with chamber at least four inches in diameter, two to be worked by hand and one by steam, if steam can be employed, otherwise by hand; one whereof shall be placed near the stern, one near the stem, and one amidship; each having a suitable, well fitted hose, of at least two thirds the length of the vessel, kept at all times in perfect order and ready for immediate use; each of which pumps shall also be supplied with water by a pipe connected therewith, and passing through the side of the vessel so low as to be at all times in the water when she is afloat; *Provided,* That, in steamers not exceeding two hundred tons measurement, two of said pumps may be dispensed with; and in steamers of over two hundred tons, and not exceeding five hundred tons measurement, one of said pumps may be dispensed with.

SEC. 4. *And be it further enacted,* That every such vessel carrying passengers shall have at least two good and suitable boats, supplied with oars, in good condition at all times for service, one of which boats shall be a life-boat made of metal, fire-proof, and in all respects a good, substantial, safe sea-boat, capable of sustaining, inside and outside, fifty persons, with life-lines attached to the gunwale at suitable distances. And every such vessel of more than five hundred tons, and not exceeding eight hundred tons measurement, shall have three life-boats; and every such vessel of more than eight hundred tons, and not exceeding fifteen hundred tons measurement, shall have four life-boats; and every such vessel of more than fifteen hundred tons measurement shall have six life-boats; all of which boats shall be well furnished with oars and other necessary apparatus: *Provided, however,* The inspectors are hereby authorized to exempt steamers navigating rivers only

from the obligation to carry of the life-boats herein provided for more than one, the same being of suitable dimensions, made of metal, and furnished with all necessary apparatus for use and safety; such steamers having other suitable provisions for the preservation of life in case of fire or other disaster.

SEC. 5. *And be it further enacted*, That every such vessel, carrying passengers, shall also be provided with a good life-preserver, made of suitable material, or float well adapted to the purpose, for each and every passenger, which life-preservers and floats shall always be kept in convenient and accessible places in such vessel, and in readiness for the use of the passengers; and every such vessel shall also keep twenty-five buckets and five axes; and there shall be kept on board every such vessel exceeding five hundred tons measurement, buckets and axes after the rate of their tonnage, as follows, on every vessel of six hundred tons measurement, five buckets and one axe for each one hundred tons measurement, decreasing this proportion as the tonnage of the vessel increases, so that any such vessel over thirty-five hundred tons, and all such vessels exceeding the same, shall not be required to keep but three buckets for each one hundred tons of measurement, and but one axe for every five buckets.

SEC. 6. *And be it further enacted*, That every such vessel carrying passengers on the main or lower deck shall be provided with sufficient means convenient to such passengers for their escape to the upper deck in case of fire or other accident endangering life.

SEC. 7. *And be it further enacted*, That no loose hemp shall be carried on board any such vessel; nor shall baled hemp be carried on the deck or guards thereof, unless the bales are compactly pressed and well covered with bagging, or a similar fabric; nor shall gunpowder, oil of turpentine, oil of vitrol, camphene, or other explosive burning fluids or materials which ignite by friction, be carried on board any such vessel as freight, except in cases of special license for that purpose, as hereinafter provided; and all such articles kept on board as stores shall be secured in metallic vessels, and every person who shall knowingly violate any of the provisions of this section shall pay a penalty of one hundred dollars for each offence, to be recovered by action of debt in any court of competent jurisdiction.

SEC. 8. *And be it further enacted*, That hereafter all gunpowder, oil of turpentine, oil of vitrol, camphene, or other explosive burning fluids, and materials which ignite by friction,

when packed or put up for shipment on board of any such vessel, shall be securely packed or put up separately from each other and from all other articles, and the package, box, cask, or vessel containing the same shall be distinctly marked on the outside with the name or description of the articles contained therein; and every person who shall pack or put up, or cause to be packed or put up, for shipment on board of any such vessel, any gunpowder, oil of turpentine, oil of vitrol, camphene, or other explosive burning fluids, or materials which ignite by friction, otherwise than as aforesaid, or shall ship the same, unless packed and marked as aforesaid, on board of any steam vessel carrying passengers, shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding eighteen months, or both.

SEC. 9. *And be it further enacted*, That instead of the existing provisions of law, for the inspection of steamers and their equipment, and instead of the present system of pilotage of such vessels, and the present mode of employing engineers on board the same, the following regulations shall be observed, to wit: The collector, or other chief officer of the customs, together with the supervising inspector for the district, and the judge of the district court of the United States for the district, in each of the following collection districts, namely, New Orleans, and St. Louis, on the Mississippi river; Louisville, Cincinnati, Wheeling, and Pittsburg, on the Ohio river; Buffalo, and Cleveland, on Lake Erie; Detroit, upon Detroit river; Nashville, upon the Cumberland river; Chicago, on Lake Michigan; Oswego, on Lake Ontario; Burlington, in Vermont; Galveston, in Texas; Mobile, in Alabama; Savannah, in Georgia; Charleston, in South Carolina; Norfolk, in Virginia; Baltimore, in Maryland; Philadelphia, in Pennsylvania; New York, in New York; New London, in Connecticut; Boston, in Massachusetts; Portland, in Maine; and San Francisco, in California—shall designate two inspectors, of good character and suitable qualifications, to perform the services required of them by this act, within the respective districts for which they shall be appointed, one of whom, from his practical knowledge of ship building, and the uses of steam in navigation, shall be fully competent to make a reliable estimate of the strength, sea-worthiness, and other qualities of the hulls of steamers and their equipment, deemed essential to safety of life when such vessels are employed in the carriage of passengers, to be called the Inspector of Hulls; the other of whom, from his know-

ledge and experience of the duties of an engineer employed in navigating vessels by steam, and also in the construction and use of boilers, and the machinery and appurtenances therewith connected, shall be able to form a reliable opinion of the quality of the material, the strength, form, workmanship, and suitableness of such boilers and machinery to be employed in the carriage of passengers, without hazard to life, from imperfections in the material, workmanship, or arrangement of any part of such apparatus for steaming, to be called the Inspector of Boilers; and these two persons, thus designated, if approved by the Secretary of the Treasury, shall be, from the time of such designation, inspectors, empowered and required to perform the duties herein specified, to wit:

First. Upon application, in writing, by the master or owner, they shall, once in every year at least, carefully inspect the hull of each steamer belonging to their respective districts, and employed in the carriage of passengers, and shall satisfy themselves that every such vessel, so submitted to their inspection, is of a structure suitable for the service in which she is to be employed, has suitable accommodations for her crew and passengers, and is in a condition to warrant the belief that she may be used in navigation as a steamer with safety to life; and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, and other things, are faithfully complied with; and, if they deem it expedient, they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency, and that of her equipment.

Second. They shall also inspect the boilers of such steamers before the same shall be used, and once in every year thereafter, subjecting them to a hydrostatic pressure, the limit to which, not exceeding one hundred and sixty-five pounds to the square inch for high-pressure boilers, may be prescribed by the owner or the master, and shall satisfy themselves, by examination and experimental trials, that the boilers are well made of good and suitable material; that the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstruction, that the spaces between the flues are sufficient, and that the fire-line of the furnace is below the prescribed water line of the boilers; and that such boilers, and the machinery and the appurtenances, may be safely employed in the service proposed in the written application without peril to life; and shall also satisfy themselves that the

safety-valves are of suitable dimensions, sufficient in number, well arranged, and in good working order, (one of which may, if necessary, in the opinion of the inspectors, to secure safety, be taken wholly from the control of all persons engaged in navigating such vessel;) that there is a suitable number of gauge-cocks properly inserted, and a suitable water gauge and steam gauge, indicating the height of the water and the pressure of the steam; that in or upon the outside flue of each outside high-pressure boiler there is placed, in a suitable manner, alloyed metals, fusible by the heat of the boiler when raised to the highest working pressure allowed, and that, in or upon the top of the flues of all other high-pressure boilers in the steamer, such alloyed metals are placed as aforesaid, fusing at ten pounds greater pressure than said metals on the outside boilers, thereby, in each case, letting steam escape; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether such vessel is in motion or not; so that, in high-pressure boilers, the water shall not be less than four inches above the flue; *Provided, however,* In steamers hereafter supplied with new high-pressure boilers, if the alloy fuses on the outer boilers at a pressure of ten pounds exceeding the working pressure allowed, and at twenty pounds above said pressure on the inner boilers, it shall be a sufficient compliance with this act.

Third. That in subjecting to the hydrostatic test aforesaid boilers called and usually known under the designation of high-pressure boilers, the inspectors shall assume one hundred and ten pounds to the square inch as the maximum pressure allowable as a working power for a new boiler forty-two inches in diameter, made of inspected iron plates at least one-fourth of an inch thick, in the best manner, and of the quality herein required; and shall rate the working power of all high-pressure boilers, whether of greater or less diameter, old or new, according to their strength compared with this standard; and in all cases the test applied shall exceed the working power allowed, in the ratio of one hundred and sixty-five to one hundred and ten, and no high-pressure boilers hereafter made shall be rated above this standard; and in subjecting to the test aforesaid that class of boilers usually designated and known as low-pressure boilers, the said inspectors shall allow, as a working power of each new boiler, a pressure of only three-fourths the number of pounds to the square inch to which it shall have been subjected by the hydrostatic test and found to be sufficient therefor, using the water in such tests at a tem-

perature not exceeding sixty degrees Fahrenheit; but should such inspectors be of the opinion that said boiler, by reason of its construction or material, will not safely allow so high a working pressure, they may, for reasons to be stated specifically in their certificate, fix the working pressure of said boiler at less than three-fourths of said test pressure, and no low-pressure boiler hereafter made shall be rated in its working pressure above the aforesaid standard; and provided that the same rules shall be observed in regard to boilers heretofore made, unless the proportion between such boilers and the cylinders, or some other cause, renders it manifest that its application would be unjust, in which cases the inspectors may depart from these rules, if it can be done with safety; but in no case shall the working pressure allowed exceed the hydrostatic test, and no valve, under any circumstances, shall be loaded or so managed, in any way, as to subject a boiler to a greater pressure than the amount allowed by the inspectors; nor shall any boiler or pipe be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or any other cause.

Fourth. That when the inspection in detail is completed, and the inspectors approve of the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector of the district, substantially as follows:

State of district of . Application having been made in writing by to the subscribers, inspectors for said district, to examine the steamer , of , whereof are owners, and is master, we having performed that service, now, on this day of , A. D. , do certify, that she was built in the year , is in all respects staunch, seaworthy, and in good condition for navigation, having suitable means of escape, in case of accident, from the main to the upper deck; that she is provided with (here insert the number of state rooms; the number of berths therein; the number of other permanent berths for cabin passengers; the number of berths for deck or other classes of passengers; the number of passengers of each class for whom she has suitable accommodations; and in case of steamers sailing to or from any European port, or to or from any port on the Atlantic or the Pacific, a distance of one thousand miles or upwards, the number of each she is permitted to carry. And in case of a steamer sailing to any other port, a distance of five hundred miles or upwards, the number of deck passengers she is per-

mitted to carry; also the number of boilers, and the form, dimensions, and material of which each boiler is made; the thickness of the metal, and when made; if made after this act takes effect, and of iron, whether they are such in all respects as the act requires; whether each boiler has been tried by hydrostatic test; the amount of pressure to the square inch in pounds applied to it; whether the amount allowed as the maximum working power was determined by the rule prescribed by this act, if not, the reason for a departure from it. Also the number of safety valves required; their capacity; the load prescribed for each valve; how many are left in the control of the persons navigating the vessel; whether one is withdrawn, and the manner of securing it against interference. Also the number and dimensions of supply pipes, and whether they and the other means provided are sufficient at all times, and under all circumstances, when in good order, to keep the water up four inches at least above the top of the flue. Also the number and dimensions of the steam pipes; the number and kind of engines; the dimensions of their cylinders; the number and capacity of the forcing pumps, and how worked; the number and kind of gauge-cocks, water and steam gauges, where situate, and how secured. Also the manner of using alloyed metals, and the pressure at which they are known by the inspectors to fuse; the equipments for the extinguishment of fires, including hose, fire buckets, and axes; the provisions for saving life in case of accident, including boats, life-preservers, and substitutes therefor, where kept, and all other provisions made on board for the security of the lives of passengers.) And we further certify, that the equipment of the vessel throughout, including pipes, pumps, and other means to keep the water up to the point aforesaid, hose, boats, life-preservers, and other things, is in conformity with the provisions of law; and that we declare it to be our deliberate conviction, founded upon the inspection which we have made, that the vessel may be employed as a steamer upon the waters named in the application, without peril to life from any imperfection of form, materials, workmanship, or arrangement of the several parts, or from age or use. And we further certify, that said vessel is to run within the following limits, to wit, from to and back, touching at intermediate places.

And which certificate shall be verified by the oaths of the inspectors signing it, before a person competent by law to administer oaths. And in case the said inspectors do not grant

a certificate of approval, they shall state in writing, and sign the same, their reasons for their disapproval.

Fifth. Upon the application of the master or owner of any steamer employed in the carriage of passengers, for a license to carry gunpowder, oil of turpentine, oil of vitrol, camphene, or other explosive burning fluids and materials which ignite by friction, or either of them, the inspectors shall examine such vessel, and if they find that she is provided with chests or safes composed of metal, or entirely lined therewith, or one or more apartments thoroughly lined with metal at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight any of the articles aforesaid, those of each description to be secured in such chest, safe, or apartment, containing no other article, and carried at a distance from any fire to be specified in the certificate: *Provided,* That any such certificate may be revoked or annulled at any time by the inspectors, upon proof that either of the said articles have been carried on board said vessel at a place, or in a manner, not authorized by such certificate; or that any of the provisions of this act in relation thereto have been violated.

Sixth. The said inspectors shall keep a regular record of certificates of inspections of vessels, their boilers, engines, and machinery, whether of approval or disapproval; and when recorded the original shall be delivered to the collector of the district. They shall keep a like record of certificates, authorizing gunpowder, oil of turpentine, oil of vitrol, camphene, or other explosive burning fluids and materials which ignite by friction, or either of them, to be carried as freight by any such vessel; and when recorded deliver the originals to said collector. They shall keep a like record of all licenses to pilots and engineers, and all revocations thereof; and shall, from time to time, report to the supervising inspector of their respective districts, in writing, their decisions on all applications for such licenses, or proceedings for the revocation thereof, and all testimony received by them in such proceedings.

Seventh. The inspectors shall license and classify all engineers and pilots of steamers carrying passengers.

Eighth. Whenever any person, claiming to be qualified to perform the duty of engineer upon steamers carrying passengers, shall apply for a certificate, the board of inspectors shall examine the applicant, and the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge and experience in the duties of an engineer are all such as to authorize the

belief that the applicant is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall give him a certificate to that effect, for one year, signed by them, in which certificate they shall state the time of the examination, and shall assign the appointee to the appropriate class of engineers.

Ninth. Whenever any person claiming to be a skilful pilot, for any such vessel, shall offer himself for a license, the said board shall make diligent inquiry as to his character and merits; and if satisfied that he possesses the requisite skill, and is trustworthy and faithful, they shall give him a certificate to that effect, licensing him for one year to be a pilot of any such vessels within the limit prescribed in the certificate; but the license of any such engineer or pilot may be revoked upon proof of negligence, unskilfulness, or inattention to the duties of the station: *Provided, however*, If, in cases of refusal to license engineers or pilots, and in cases of the revocation of any license by the local board of inspectors, any engineer or pilot, deeming himself wronged by such refusal or revocation, may, within thirty days after notice thereof, on application to a supervising inspector, have his case examined anew by such supervising inspector, upon producing a certified copy of the reasons assigned by the local board for their doings in the premises; and such supervising inspector may revoke the decision of such local board of inspectors, and license such pilot or engineer; and like proceedings, upon the same conditions, may be had by the master or owner of any such vessel, or of any steamboat boiler, for which the said local board shall have refused, upon inspection, to give a certificate of approval, or shall have notified such master or owner of any repairs necessary after such certificate has been granted.

Tenth. It shall be unlawful for any person to employ, or any person to serve as engineer or pilot, on any such vessel, who is not licensed by the inspectors; and any one so offending shall forfeit one hundred dollars for each offence: *Provided, however*, That if a vessel leaves her port with a complement of engineers and pilots, and on her voyage is deprived of their services, or the services of any of them, without the consent, fault, or collusion of the master, owner, or any one interested in the vessel, the deficiency may be temporarily supplied, until others, licensed, can be obtained.

Eleventh. In addition to the annual inspection it shall be the duty of said board to examine, seasonably, steamers arriving and departing so often as to enable them to detect any neglect

to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessel unsafe, which service may be performed by one of the board; and if he shall discover an omission to comply with the law, or that repairs have become necessary to make the vessel safe, he shall at once notify the master, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may take the opinion of the board thereon, and, if dissatisfied with the decision of such board, may apply for a re-examination of the case to the supervising inspector, as is herein before provided; and if he shall refuse or neglect to comply with the requirements of the local board, and shall, contrary thereto, and while the same remains unreversed by the supervising inspector, employ the vessel by navigating her, the master and owners shall be liable for any damage to the passengers and their baggage which shall occur from any defects so as aforesaid stated in said notice, which shall be in writing, and all inspections and orders shall be promptly made by the inspectors; and where it can be safely done, in their judgment, they shall permit repairs to be made where those interested can most conveniently do them; and no inspectors of one district shall modify or annul the doings of the inspectors of another district, in regard to repairs, unless there is a change in the state of things demanding more repairs than were thought necessary when the order was made; nor shall the inspectors of one district appoint a person coming from another, if such person has been rejected for unfitness or want of qualifications.

Twelfth. The said board, when thereto requested, shall inspect steamers belonging to districts where no such board is established; and if a certificate of approval is not granted, no other inspection shall be made by the same or any other board until the objections made by the inspectors are removed; and if any vessel shall be navigated after a board of inspectors have refused to make the collector a certificate of approval, she shall be liable to the same penalties as if she had been run without a license: *Provided, however,* That nothing herein contained shall impair the right of the inspectors to permit such vessel to go to another port for repairs, if, in their opinion, it is safe so to do.

Thirteenth. The said board of inspectors shall have power to summon before them witnesses, and to compel their attendance by the same process as in courts of law; and, after reasonable

time given to the alleged delinquent, at the time and place of investigation, to examine said witnesses under oath touching the performance of their duties by engineers and pilots of any such vessel; and if it shall appear satisfactorily that any such engineer or pilot is incompetent, or that life has been placed in peril by reason of such incompetency, or by negligence or misconduct on the part of any such person, the board shall immediately suspend or revoke his license, and report their doings to the chief officer of the customs; and the said chief officer of the customs shall pay out of the revenues herein provided such sums to any witness so summoned under the provisions of this act, for his actual travel and attendance, as shall be officially certified by an inspector hearing the case upon the back of the summons, not exceeding the rates allowed to a witness for travel and attendance in the circuit and district courts of the United States.

Fourteenth. That the said board shall report promptly all their doings to the chief officer of the customs, as well as all omissions or refusals to comply with the provisions of law on the part of any owner or master of any such vessel, propelled in whole or in part by steam, carrying passengers.

Fifteenth. That it shall at all times be the duty of all engineers and pilots licensed under this act, and all mates to assist the inspectors in the examination of any such vessels to which any such engineer, mate, or pilot belongs, and to point out all defects and imperfections in the hull, or apparatus for steaming, and also to make known to them, at the earliest opportunity, all accidents occasioning serious injury to the vessel or her equipment, whereby life may be in danger; and, in default thereof, the license of any such engineer or pilot shall be revoked.

SEC. 10. *And be it further enacted,* That, in those cases where the number of passengers is limited by the inspector's certificate, it shall not be lawful to take on board of any steamer a greater number of passengers than is certified by the inspectors in the certificate; and the master and owners, or either of them, shall be liable to any person suing for the same, to forfeit the amount of passage money and ten dollars for each passenger beyond the number allowed. And, moreover, in all cases of an express or implied undertaking to transport passengers, or to supply them with food and lodging, from place to place, and suitable provision is not made of a full and adequate supply of good and wholesome food and water, and of suitable lodging for all such passengers, or where barges, or other craft,

impeding the progress, are taken in tow, for a distance exceeding five hundred miles, without previous and seasonable notice to such passengers, in all such cases the owners and the vessel shall be liable to refund all the money paid for the passage, and to pay also the damage sustained by such default or delay: *Provided, however,* That if, in any such case, a satisfactory bond is given to the marshal, for the benefit of the plaintiff, to secure the satisfaction of such judgment as he may recover, the vessel shall be released.

SEC. 11. *And be it further enacted,* That if the master of a steamer, or any other person, whether acting under orders or not, shall intentionally load or obstruct, or cause to be loaded or obstructed, in any way or manner, the safety valve or valves of a boiler, or shall employ any other means or device whereby the boiler shall be subjected to a greater pressure than the amount allowed by the certificate of the inspectors; or shall be exposed to a greater pressure; or shall intentionally derange or hinder the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of approaching danger, it shall, in any such case, be a misdemeanor; and any and every person concerned therein, directly or indirectly, shall forfeit two hundred dollars, and may, at the discretion of the court, be in addition thereto imprisoned not exceeding eighteen months.

SEC. 12. *And be it further enacted,* That if at any time there be a deficiency of water in a boiler, by suffering it to fall below three inches above the flue, as prescribed in this act, unless the same happens through inevitable accident, the master, if it be by his order, assent, or connivance, and also the engineer, or other person whose duty it is to keep up the supply, shall be guilty of an offence, for which they shall severally be fined one hundred dollars each; and if an explosion or collapse happens in consequence of such deficiency, they, or any of them, may be further punished by imprisonment, for a period of not less than six nor more than eighteen months.

SEC. 13. *And be it further enacted,* That hereafter all boilers of steamboats, made of iron, shall be constructed of plates which have been stamped according to the provisions of this act.

SEC. 14. *And be it further enacted,* That it shall be the duty of such inspectors to ascertain the quality of the material of which the boiler plates, of any such boiler so submitted to their inspection, are made, and to satisfy themselves, by any suitable means, whether the mode of manufacturing has been such as

to produce iron equal to good iron made with charcoal, such as in their judgment may be used for generating steam power without hazard to life; and no such boiler shall be approved which is made of unsuitable material, or of which the manufacture is imperfect, or is not, in their opinion, of suitable strength, or whose plates are less than one-fourth of an inch in thickness for a high-pressure boiler of forty-two inches in diameter, and in that proportion of strength according to the maximum of working pressure allowed for high-pressure boilers of greater or less diameter, or which is made of any but wrought iron, of a quality equal to good iron made with charcoal.

SEC. 15. *And be it further enacted,* That all plates of boiler iron shall be distinctly and permanently stamped in such manner as the Secretary of the Treasury shall prescribe, and, if practicable, in such place or places that the mark shall be left visible after the plates are worked into boilers, with the name of the manufacturer, the quality of the iron, and whether or not hammered, and the place where the same is manufactured.

SEC. 16. *And be it further enacted,* That it shall be unlawful to use, in such vessel for generating steam for power, a boiler, or steam pipe connecting the boilers, made after the passage of this act of any iron, unless it has been stamped by the manufacturer as herein provided; and if any person shall make, for use in any such vessel, a boiler of iron not so stamped, intended to generate steam for power, he shall, for any such offence, forfeit five hundred dollars, to be recovered in an action of debt by any person suing for the same; and any person using, or causing to be used, in any such vessel, such a boiler to generate steam for power, shall forfeit a like sum for each offence.

SEC. 17. *And be it further enacted,* That if any person shall counterfeit the marks and stamps required by this act, or shall falsely stamp any boiler iron, and be convicted thereof, he shall be fined not exceeding five hundred dollars, and imprisoned not exceeding two years. And if any person or persons shall stamp or mark plates with the name or marks of another, with intent to mislead, deceive, or defraud, such person or persons shall be liable to any one injured thereby for all damage occasioned by such fraud or deception.

SEC. 18. *And be it further enacted,* That, in order to carry this act fully into execution, the President of the United States shall, with the advice of the Senate, appoint nine supervising inspectors, who shall be selected for their knowledge, skill, and experience in the uses of steam for navigation, and who are

competent judges, not only of the character of vessels, but of all parts of the machinery employed in steaming, who shall assemble together at such places as they may agree upon once in each year at least, for joint consultation and the establishment of rules and regulations for their own conduct, and that of the several boards of inspectors within the districts, and also to assign to each of the said nine inspectors the limits of territory within which he shall perform his duties. And the said supervising inspectors shall each be paid for his services after the rate of fifteen hundred dollars a year, and, in addition thereto, his actual reasonable travelling expenses, incurred in the necessary performance of his duty when away from the principal port in his district, and certified and sworn to by him under such instructions as shall be given by the Secretary of the Treasury, who is hereby authorized to pay such salaries, and also such travelling expenses, and the actual reasonable expenses (both to them and other inspectors) of transporting from place to place the instruments used in inspections, which expenses shall be proved to his satisfaction.

SEC. 19. *And be it further enacted*, That the supervising inspectors shall watch over all parts of the territory assigned them; shall visit, confer with, and examine into the doings of the several boards of inspectors; and shall, whenever they think it expedient, visit such vessels licensed, and examine into their condition for the purpose of ascertaining whether the provisions of this act have been observed and complied with, both by the board of inspectors and the master and owners; and it shall be the duty of all masters, engineers, and pilots, of such vessels, to answer all reasonable inquiries, and to give all the information in their power, in regard to any such vessel so visited, and her machinery for steaming, and the manner of managing both.

SEC. 20. *And be it further enacted*, That whenever a supervising inspector ascertains to his satisfaction that the master, engineer, pilot, or owners of any such vessel fail to perform their duties according to the provisions of this act, he shall report the facts in writing to the board in the district where the vessel belongs, and, if need be, cause the negligent or offending parties to be prosecuted; and if he has good reason to believe there has been, through negligence, or from any other cause, a failure of the board who inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of the Treasury, who shall cause immediate investigation

into the truth of the complaint, and, if he deems the cause sufficient, shall remove the delinquent.

SEC. 21. *And be it further enacted*, That it shall be the duty of such supervising inspectors to see that the said several boards within their respective collection districts execute their duties faithfully, promptly, and, as far as possible, uniformly, in all places, by following out the provisions of this act, according to the true intent and meaning thereof; and, they shall, as far as practicable, by their established rules, harmonize differences of opinion when they exist in different boards.

SEC. 22. *And be it further enacted*, That the said supervising inspectors shall also visit collection districts in which there are no boards of inspectors, if there be any where steamers are owned or employed, and each one shall have full power to inspect any such steamer or boilers of each steamer in any such district, or in any other district where, from distance or other cause, it is inconvenient to resort to the local board, and to grant certificates of approval according to the provisions of this act, and to do and perform in such districts all the duties imposed upon boards in the districts where they exist: *Provided*, That no supervising or other inspector shall be deemed competent to inspect in any case where he is directly or indirectly personally interested, or is associated in business with any person who is so interested, but in all such cases the duty shall be performed by disinterested inspectors, and inspection made in violation of this rule shall be void and of no effect.

SEC. 23. *And be it further enacted*, That it shall be the duty of each of the collectors or other chief officers of the customs for the districts aforesaid, except San Francisco, to make known without delay to the collectors of all the said districts, except San Francisco, the names of all persons licensed as engineers or pilots for such vessels, and the names of all persons from whom, upon application, licenses have been withheld, and the names of all whose licenses have been revoked or suspended, and also the names of all such vessels which neglect or refuse to make such repairs as may be ordered under the provisions of this act, and the names of all for which license has been, on application, refused.

SEC. 24. *And be it further enacted*, That it shall be the duty of the collectors or other chief officers of the customs, and of the inspectors aforesaid, within the said several districts, to enforce the provisions of law against all such steamers arriving and departing; and upon proof that any collector or other chief officer of the customs, or inspector, has negligently or in-

tentionally omitted his duty in this particular, such delinquent shall be removed from office, and shall also be subject to a penalty of one hundred dollars for each offence, to be sued for in an action of debt before any court of competent jurisdiction.

SEC. 25. *And be it further enacted*, That the collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required by this act, to be delivered to him, and shall give to the master or owner of the vessel therein named two certified copies thereof, one of which shall be placed by such master or owner in some conspicuous place in the vessel, where it will be most likely to be observed by passengers and others, and there kept at all times; the other shall be retained by such master or owner as evidence of the authority thereby conferred; and if any person shall receive or carry any passenger on board any such steamer not having a certified copy of the certificate of approval, as required by this act placed and kept as aforesaid, or who shall receive or carry any gunpowder, oil of turpentine, oil of vitrol, camphene, or other explosive burning fluids, or materials which ignite by friction, as freight, on board any steamer carrying passengers, not having a certificate authorizing the same, and a certified copy thereof placed and kept as aforesaid; or who shall stow or carry any of said articles, at a place or in a manner not authorized by such certificate, shall forfeit and pay for each offence one hundred dollars, to be recovered by action of debt in any court of competent jurisdiction.

SEC. 26. *And be it further enacted*, That every inspector who shall wilfully certify falsely, touching any such vessel propelled in whole or in part by steam, and carrying passengers, her hull, accommodations, boilers, engines, machinery, or their appurtenances, or any of her equipments, or any matter or thing contained in any certificate signed and sworn to by him, shall on conviction thereof be punished by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or both.

SEC. 27. *And be it further enacted*, That if any such vessel carrying passengers, having a license and certificate as required by this act, shall be navigated without having her hull, accommodations, boilers, engines, machinery, and their appurtenances, and all equipments, in all things conformable to such certificate, the master or commander by whom she shall be so navigated, having knowledge of such defect, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding two months, or both: *Provided*, That such

master or commander shall not be liable for loss or deficiency occasioned by the dangers of navigation, if such loss or deficiency shall be supplied as soon as practicable.

SEC. 28. *And be it further enacted*, That on any such steamers navigating rivers only, when from darkness, fog, or other cause, the pilot on watch shall be of opinion that the navigation is unsafe, or from accident to, or derangement of, the machinery of the boat, the engineer on watch shall be of the opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor, or moored, as soon as it prudently can be done: *Provided*, That if the person in command shall, after being so admonished by either of such officers, elect to pursue such voyage, he may do the same; but in such case both he and the owners of such steamer shall be answerable for all damages which shall arise to the person of any passenger and his baggage from said causes in so pursuing the voyage, and no degree of care or diligence shall in such case be held to justify or excuse the person in command, or said owners.

SEC. 29. *And be it further enacted*, That it shall be the duty of the supervising inspectors to establish such rules and regulations, to be observed by all such vessels in passing each other, as they shall from time to time deem necessary for safety, two printed copies of which rules and regulations, signed by said inspectors, shall be furnished to each of such vessels, and shall at all times be kept up in conspicuous places on such vessels, which rules shall be observed both night and day. Should any pilot, engineer, or master of any such vessel neglect or wilfully refuse to observe the foregoing regulations, any delinquent so neglecting or refusing shall be liable to a penalty of thirty dollars, and to all damage done to any passenger, in his person or baggage, by such neglect or refusal; and no such vessel shall be justified in coming into collision with another if it can be avoided.

SEC. 30. *And be it further enacted*, That whenever damage is sustained by any passenger, or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel, shall be liable to each and every person so injured to the full amount of damage, if it happens through any neglect to comply with the provisions of law herein prescribed, or through known defects or imperfections of the steaming apparatus, or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or wilful misconduct of an engineer or pilot, or their

neglect or refusal to obey the provisions of law herein prescribed as to navigating such steamers, may sue such engineer or pilot, and recover damages for any such injury caused as aforesaid by any such engineer or pilot.

SEC. 31. *And be it further enacted*, That before issuing the annual license to any such steamer, the collector or other chief officer of the customs for the port or district shall demand and receive from the owner or owners of the steamer, as a compensation for the inspections and examinations made for the year, the following sums in addition to the fees for issuing enrolments and licenses now allowed by law, according to the tonnage of the vessel, to wit: for each vessel of a thousand tons and over, thirty-five dollars; for each of five hundred tons and over, but less than one thousand tons, thirty dollars; and for each under five hundred tons, and over one hundred and twenty-five tons, twenty-five dollars; and for each under one hundred and twenty-five tons, twenty dollars at the time of obtaining registry, and once in each year thereafter pay, according to the rate of tonnage before mentioned, the sum of money herein fixed. And each engineer and pilot licensed as herein provided shall pay, for the first certificate granted by any inspector or inspectors, the sum of five dollars, and for each subsequent certificate one dollar, to such inspector or inspectors, to be accounted for and paid over to the collector or other chief officer of the customs; and the sums derived from all the sources above specified shall be quarterly accounted for and paid over to the United States in the same manner as other revenue.

SEC. 32. *And be it further enacted*, That each inspector shall keep an accurate account of every such steamer boarded by him during the year, and of all his official acts and doings, which, in the form of a report, he shall communicate to the collector or other chief officer of the customs on the first days of May and November, in each year.

SEC. 33. *And be it further enacted*, That the inspectors in the following districts shall each be allowed annually the following compensation, to be paid under the direction of the Secretary of the Treasury, in the manner officers of the revenue are paid, to wit:

For the district of Portland, in Maine, three hundred dollars.

For the district of Boston and Charlestown, in Massachusetts, eight hundred dollars.

For the district of New London, in Connecticut, three hundred dollars.

For the district of New York, two thousand dollars.

For the district of Philadelphia, in Pennsylvania, one thousand dollars.

For the district of Baltimore, in Maryland, one thousand dollars.

For the district of Norfolk, in Virginia, three hundred dollars.

For the district of Charleston, in South Carolina, four hundred dollars.

For the district of Savannah, in Georgia, four hundred dollars.

For the district of Mobile, in Alabama, one thousand dollars.

For the district of New Orleans, or in which New Orleans is the port of entry, in Louisiana, two thousand dollars.

For the district of Galveston, in Texas, three hundred dollars.

For the district of St. Louis, in Missouri, fifteen hundred dollars.

For the district of Nashville, in Tennessee, four hundred dollars.

For the district of Louisville, in Kentucky, twelve hundred dollars.

For the district of Cincinnati, Ohio, fifteen hundred dollars.

For the district of Wheeling, Virginia, five hundred dollars.

For the district of Pittsburg, Pennsylvania, fifteen hundred dollars.

For the district of Chicago, Illinois, five hundred dollars.

For the district of Detroit, Michigan, eight hundred dollars.

For the district of Cleveland, Ohio, five hundred dollars.

For the district of Buffalo, New York, twelve hundred dollars.

For the district of Oswego, or of which Oswego is the port of entry, New York, three hundred dollars.

For the district of Vermont, two hundred dollars.

For the district of San Francisco, California, fifteen hundred dollars.

SEC. 34. *And be it further enacted,* That the Secretary of the Treasury shall provide the inspectors with a suitable number of instruments, of uniform construction, so as to give uniform results, to test the strength of boilers.

SEC. 35. *And be it further enacted,* That it shall be the duty of the master of any such steamer to cause to be kept a correct list of all the passengers received and delivered from day to day, noting the places where received and where landed, which

record shall be open to the inspection of the inspectors and officers of the customs at all times; and in case of default, through negligence or design, the said master shall forfeit one hundred dollars, which penalty, as well as that for excess of passengers, shall be a lien upon the vessel: *Provided, however*, a bond may, as provided for in other cases, be given to secure the satisfaction of the judgment.

SEC. 36. *And be it further enacted*, That every master or commander of any such steamer, shall keep on board of such steamer at least two copies of this act, to be furnished to him by the Secretary of the Treasury; and if the master or commander neglects or refuses so to do, or shall unreasonably refuse to exhibit a copy of the same to any passenger who shall ask it, he shall forfeit twenty dollars.

SEC. 37. *And be it further enacted*, That any inspector who shall, upon any pretence, receive any fee or reward for his services rendered under this act, except what is herein allowed him, shall forfeit his office; and if found guilty, on indictment, be otherwise punished, according to the aggravation of the offence, by fine not exceeding five hundred dollars, or imprisonment not exceeding six months, or both.

SEC. 38. *And be it further enacted*, That all engineers and pilots of any such vessel shall, before entering upon their duties, make solemn oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, perform all the duties required of him by this act, without concealment or reservation; and if any such engineer, pilot, or any witness summoned under this act as a witness, shall, when under examination on oath, knowingly and intentionally falsify the truth, such person shall be deemed guilty of perjury, and, if convicted, be punished accordingly.

SEC. 39. *And be it further enacted*, That the supervising inspectors appointed under the provisions of this act shall, within their respective districts under the direction of the Secretary of the Treasury, take the examination, or receive the statements in writing, of persons of practical knowledge and experience in the navigation of steam vessels, the construction and use of boilers, engines, machinery, and equipments, touching the form, material, and construction of engines and their appurtenances; the causes of the explosion of boilers and collapse of flues, and the means of prevention; the kind and description of safety valves, water and steam gauges, or indicators; equipments for the extinguishment of fires, and for the preservation

of life in case of accident on board of such vessels, and all other means in use or proper to be adopted for the better security of the lives of persons on board vessels propelled in whole or in part by steam; the advantages and disadvantages of the different descriptions of boilers, engines, and their appurtenances, safety-valves, water and steam gauges, or indicators, equipments for the prevention or extinguishment of fires, and the preservation of life in case of accident, in use on board such vessels; whether any, and what, further legislation is necessary or proper for the better security of the lives of persons on board such steam vessels; which examination and statements, so taken and received, shall be transmitted to the Secretary of the Treasury, at such time as he shall prescribe.

SEC. 40. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury to cause such interrogatories to be prepared and published as, in his opinion, may be proper to elicit the information contemplated by the preceding section, and, upon the receipt of the examination and statements taken by the inspectors, shall report the same to Congress, together with the recommendation of such further provisions as he may deem proper to be made for the better security of the lives of persons on board steam vessels.

SEC. 41. *And be it further enacted,* That all penalties imposed by this act may be recovered in an action of debt, by any person who will sue therefor in any court of the United States.

SEC. 42. *And be it further enacted,* That this act shall not apply to public vessels of the United States, or vessels of other countries; nor to steamers used as ferry boats, tug boats, towing boats, nor to steamers not exceeding one hundred and fifty tons burden, and used in whole or in part for navigating canals. The inspection and certificate required by this act shall, in all cases of ocean steamers constructed under contract with the United States, for the purpose, if desired, of being converted into war steamers, be made by a chief engineer of the navy, to be detailed for that purpose by the Secretary of the Navy, and he shall report both to said secretary, and to the supervising inspector of the district where he shall make any inspection.

SEC. 43. *And be it further enacted,* That all such parts of this act as authorize the appointment and qualification of inspectors, and the licensing of engineers and pilots, shall take effect upon the passage thereof, and that all other parts of this act shall go into effect at the times and places as follows: in

the districts of New Orleans, St. Louis, Louisville, Cincinnati, Wheeling, Pittsburg, Nashville, Mobile, and Galveston, on the first day of January next, and in all other districts on the first day of March next.

SEC. 44. *And be it further enacted,* That all parts of laws heretofore made, which are suspended by, or are inconsistent with, this act, are hereby repealed.

Approved, August 30, 1852.

PASSPORT REGULATIONS.

CITIZENS' PASSPORT.

There is no act of Congress regulating the issuing of passports. They are granted upon the ground of international courtesy, and as affording evidence to the diplomatic and other agents in foreign countries, that the bearer of such passport is a citizen of the United States, and is entitled to full protection as such. It also requests foreign governments to permit the bearer safely and freely to pass on his journey from one country to another, and, in case of need, to give him all lawful aid and protection while so doing.

The passport issued by the United States government is in the form of a certificate, that the bearer thereof is a citizen of the United States, and it is signed by the Secretary of State for the time being. The following are the rules to be observed by persons applying for passports, as prescribed by the Department of State:

DEPARTMENT OF STATE, *Washington, April*, 1850.

Citizens of the United States visiting foreign countries are liable to serious inconvenience, if unprovided with authentic proof of their national character. The best security against this, is a passport from the Department of State, certifying the bearer to be a citizen of the United States; which passports

are issued *gratis*, upon application supported by proof of citizenship.

This proof need be transmitted but once. On all subsequent occasions, a simple reference to it, and to the period when it was presented, will be sufficient.

When the applicant is a *native citizen of the United States*, he must transmit an affidavit of this fact, stating his age and place of birth, signed by him, and sworn to by himself, and one other citizen of the United States named therein, to whom he is personally known, and to the best of whose knowledge and belief the declaration made by him is true. This affidavit must be attested by a Notary Public, under his signature and seal of office. When there is no Notary in the place, the affidavit may be made before a Justice of the Peace, or other officer authorized to administer oaths.

If the applicant be a *naturalized* citizen, his certificate of naturalization must be transmitted for inspection. It will be returned with the passport.

The application should be accompanied with a description of the person, stating the following particulars, viz: *Age:* years. *Stature:* feet inches (English measure.) *Forehead:* . *Eyes:* . *Nose:* . *Mouth:* . *Chin:* . *Hair:* . *Complexion:* . *Face:* .

When the applicant is to be accompanied by his wife, children, or servants, or by females under his protection, it will be sufficient to state the name and ages of such persons, and their relationship to the applicant.

Persons who leave the country, expecting to obtain passports, whilst abroad, from the diplomatic or consular agents of the United States, are liable to disappointment; inasmuch as it is the duty of those agents to observe the utmost caution in granting documents, in the nature of a certificate of citizenship, to those persons only who are certainly known to be entitled to them; and it is sometimes difficult, if not impracticable, to procure proof of this fact in a foreign country.

Certificates of citizenship, or passports issuing from the State authorities, or from the judicial or the municipal functionaries of our country, are not recognised by the officers of foreign governments; and if the diplomatic and consular agents of the United States are called upon to certify to the authenticity of such document, they cannot do this, for want of that official information in regard to those authorities and functionaries, and to their respective signatures and seals of office, which is indispensably necessary in the case of every such certificate.

Thus the necessity will be apparent to those citizens who contemplate leaving the United States, to travel or sojourn abroad, that they should provide themselves with the evidence of their national character.

In the kingdom of Great Britain, as in this country, passports are not necessary.

Citizens of the United States visiting the Spanish West Indies are required to have their passports vised by the Spanish Consul at the port of their departure, otherwise they will find difficulty in landing, and may subject themselves to a fine.

It is proper here to remark, that children under age at the time of the naturalization of their parents are entitled to passports as citizens of the United States.

In order to save time and trouble to persons who thus derive their citizenship, they should send to the Department of State the certificate of naturalization *of their parents*, accompanied by an affidavit made before a Notary Public or any other officer duly qualified to administer oaths, that the person desiring a passport is a citizen of the United States from the "naturalization of his parents, as will be seen by the certificate enclosed."

The following is the form of passport issued by the Department of State:

UNITED STATES OF AMERICA.

To all to whom these Presents shall come, Greeting:

DESCRIPTION.

Age _____ *years.*
Stature ___ *ft.* ___ *in. Eng.*
Forehead _____
Eyes _____
Nose _____
Mouth _____
Chin _____
Hair _____
Complexion _____
Face _____

[Signature of the Bearer.]

_____

GRATIS.

No._____

I, the undersigned, Secretary of State of the UNITED STATES OF AMERICA, *hereby request all whom it may concern, to permit safely and freely to pass*_____

_____,

a Citizen of the United States, and in case of need to give him all lawful aid and protection.

Given under my hand and the impression of the seal of the Department of State, at the City of Washington, the

DEPARTMENT OF STATE.

_____

in the _____ *year of the Independence of these United States.*

LAWS

OF THE

SEVERAL STATES

RELATING TO

EMIGRANTS, THE IMPORTATION OF PAUPERS,
CONVICTS, LUNATICS, &c.

ALABAMA.

List of passengers on arrival of ships, &c.—Oaths, by whom administered—List filed—Penalty for failure to file list

Every master of any vessel, arriving from any port or place out of this State, (except New Orleans,) at the port of Mobile, who is by any law of the United States required to enter such arrival at the custom-house, must, within one day after such arrival, deliver at the mayor's office, on oath, a correct list of every person who arrived in such vessel, first stating the names of the officers and crew; the names of each passenger; the color and sex of each person; and if they are free, or slaves. [Sec. 864.]

The oath required by the preceding section may be administered by the mayor, or other person authorized, for which he is entitled to a fee of twenty-five cents. [Sec. 865.]

The clerk of the city of Mobile must file in his office all such lists, for the inspection of any citizen of the United States, on paying a fee of ten cents. [Sec. 866.]

The master of any such vessel arriving in the port of Mobile, failing to make out and deliver the list of his officers, crew, and passengers, as and within the time required by this article, forfeits the sum of two hundred dollars; one half to the use of the person suing for the same, the other to the use of the city of Mobile. [Sec. 867.] *Code of Alabama*, chap. 3, p. 215, 216.

Captain of vessel bringing paupers to the State, to give bond to indemnify the State—Penalty for refusal.

Any person commanding any vessel which brings into this State any infant, lunatic, maimed, deaf, dumb, aged, or infirm person, who is likely to become chargeable to any county, may be brought before any judge of probate; and if such judge is satisfied that such person will probably be a charge to any county, he must require such master to enter into bond, payable to the State, with sureties resident in the State, to be approved by such judge, in the sum of five hundred dollars for each of such persons so brought, conditioned to pay all such expenses as any county in the State may incur in the support

of such person; which bond must be filed and kept by such judge; and on its condition being broken, may be sued on, and a recovery had in different actions to the amount of the penalty thereof, in the name of the State, for the use of any county; and on failure to give such bond, the judge must commit such master to jail until he gives the same, or is otherwise discharged by law. [Sec. 1219.] *Code of Alabama*, chap. 15, p. 268, 269.

CALIFORNIA.

AN ACT to prevent the importation of convicts into this State. [Passed April 11, 1850.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. No captain or master of any vessel, or any other person or persons, shall knowingly or willingly import, bring, or send, or cause or procure to be imported, brought or sent, or be aiding or assisting therein, into this State, by land or water, any felon, convict, or person under sentence of death or transportation, or any other legal disability incurred by a criminal prosecution, except for treason, or who shall be delivered or sent to him from any prison or place of confinement in any place without the State.

SEC. 2. Every person who shall offend against any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment in the county jail, for a term not less than three months, and shall forfeit and pay, moreover, the sum of one thousand dollars for each of such convicts so imported, brought, or sent into this State; one half of which penalty shall go to him or her who shall sue or prosecute for the same, and the other half to the county in which such prosecution shall be had.

SEC. 3. This act to take effect and be in force from and after thirty days' publication of the same in the "Pacific News."

AN ACT concerning passengers arriving in ports of the State of California. [Passed May 3, 1853.]

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SEC. 1. It shall be the duty of the master or commander of any vessel arriving at the port of San Francisco from any port out of the State of California, to appear at the office of the commissioner of emigrants, within twenty-four hours after his arrival, and testify as to his having brought any passengers. Within twenty-four hours after the landing of any passengers from any vessel arriving at any of the ports of this State from any of the United States, other than this State, or from any country out of the United States, the master or commander of the vessel from which such passenger or passengers shall have been landed, shall make a report in writing, on oath or affirmation, to the commissioner of emigrants at San Francisco, and in other ports of the State, to the mayor or chief municipal officer, which report shall state the name, place of birth, time and place of naturalization, last residence, age and occupation of every person or passenger who shall have landed from such vessel in her last voyage to such port, not being a citizen of the United States, and who shall have, within the last preceding twelve months, arrived from any country out of the United States, at any place within the United States, and who shall not have been bonded, or who have paid the commutation money, according to the provisions of this act or any former act. The said report shall contain a like statement of all such persons or passengers as shall have been landed or been suffered to land from any such vessel at any place during her said last voyage, or who shall have gone on board of any vessel with the intention of coming into this State. The said report shall further specify if either or any of said passengers or persons so reported are lunatic, idiot, deaf, dumb, blind, crippled, or infirm; and if so, whether they are accompanied by any relatives likely to be able to support them. It shall also state particularly the names, last place of residence, and ages of all passengers who may have died during the said last voyage of such vessel, also the names and residence of the owner or owners of such vessel. It shall also specify whether any of said passengers are persons convicted of any infamous crime, or of a felony, so far as the same may be within the knowledge of said master or commander. Such master or commander is further required to administer to any passenger of foreign birth who

shall declare himself a citizen of the United States the following oath or affirmation as to the time and place of his naturalization, and the name of each party so sworn shall be stated in the passenger list of said vessel:

I, , do solemnly swear (or affirm) that I was born in ; that I am a naturalized citizen of the United States; that I was naturalized and received my certificate of naturalization in the State of , in the year .

In case any such master or commander shall omit or neglect to report, as aforesaid, any such person or passenger, with the particulars aforesaid, or shall make any false report or statement in respect to any persons or passengers, or in respect to the owner or owners of any such vessel, or in respect to all or any of the particulars herein before specified, such master or commander shall forfeit the sum of two hundred dollars for every such passenger, in regard to whom any such omission or neglect shall have occurred, or such false report or statement shall be made, and also for every neglect, omission, or false report made by him, as to the owner or owners of such vessel. If any master or commander shall neglect or refuse to make report to said commissioner, as provided for in this act, within the time therein specified, such master or commander, shall be held guilty of a misdemeanor, and upon complaint before the recorder of San Francisco, or any justice of the peace of said county, be fined not less than fifty dollars nor more than two hundred dollars for every such neglect. For the payment of the fines and penalties incurred in this act, the master or commander, consignee or consignees, owner or owners of every such vessel shall be liable, jointly and severally.

SEC. 2. It shall be the duty of the mayor, as aforesaid, by an endorsement to be made on said report, to require the owner or consignee of the vessel, from which such passengers or persons have been landed, to give a joint and several bond to the people of the State of California, in a penalty of five hundred dollars for each and every person or passenger included in such report, conditioned to indemnify and save harmless each and every county, town or city, in this State, and also the trustees of the several State hospitals, against all costs and expenses which may be by them or any of them necessarily incurred for the relief, support, or medical care of the persons named in the bond, within two years from the date of such bond. Each and every bond shall be secured by two or more sufficient sureties, residents of the State, each of whom shall prove, by oath,

or otherwise endorsed in writing, on such bond, that he is a freeholder and resident of the State, and is worth the sum of one thousand dollars in real estate, over and above all his debts and responsibilities, and any responsibilities, actual or contingent, which may accrue from or under any former bond, given under the provisions of this act. Such bond may, at the option of the party, be secured by the mortgage of real estate, or by the pledge and transfer of the stock of the United States, or of the funded debt, or comptroller's warrants of this State in any amount sufficient to secure said bond. Such bonds and securities, in all cases, to be approved by the mayor, in writing endorsed upon the bond, or securities, after sufficient inquiry, on his part, into the same.

SEC. 3. Within three days after the landing of such persons or passengers from any vessel in any of the ports of this State, it shall be lawful for the master or commander, owner or consignee of said vessel, to commute for the bond or bonds required by section two of this act, by paying to the mayor a sum of money not less than five dollars, nor more than ten dollars, for each and every passenger reported, as in section one of this act required. Upon the payment of such commutation money, and the filing, with the comptroller of State, of the receipt of said mayor therefor, by the party paying the same, as in the next section: *Provided,* Such party shall be discharged from the requirements of giving bonds as aforesaid.

SEC. 4. It shall be the duty of the mayor receiving such commutation money, or any moneys received from fines or forfeitures under this act, to account for and pay the same on the first Tuesday of every month, to the Treasurer of State, in the same manner in which county treasurers are by law required to account; and he shall annex to his account an affidavit of its correctness. The mayor shall specify, in his account, the names of the parties paying such sum or sums of money, the amount paid by each, the date of such payment, and the name of the vessel and the number of passengers on account of whom it was paid. The mayor shall furnish to the parties, paying such commutation money, receipts in duplicate, specifying the amount paid, and the name of the vessel or vessels, and the number of passengers on account of whom it was paid. The party paying such commutation money shall file with the comptroller of State his duplicate receipt, and shall thereupon be discharged from the requirement of giving bonds as aforesaid. It shall be the duty of the comptroller of State to file such

duplicate receipts in his office, and to compare the same with the accounts of the several mayors, when rendered monthly.

SEC. 5. Whenever, in the opinion of such mayor, there be among the passengers or persons in any vessel any lunatic, idiot, deaf, dumb, blind, cripple or infirm person, not members of families, or who, from attending circumstances, are likely to become permanently a public charge, or who have been paupers in any other country, or from sickness or disease existing either at the time of departure from the port of departure, or at the time of their arrival in any part of this State, are a public charge or likely soon to become so, it shall be the duty of such mayor to require in the endorsement, made according to section two of this act, or in any subsequent endorsement or endorsements, in addition to the bond provided for in section two, that the owner or consignee of such vessel shall execute for every such passenger or person a further bond, joint and several, to the people of this State, in the sum of one thousand dollars. Such bond shall be conditioned and secured in the same manner as the bond in section two, provided the subsequent endorsement, in this section mentioned, may be made at any time within twenty days after the landing of any such persons or passengers. The sureties on the bond in this section provided, shall justify in double the penalty of such bond, in the manner provided for the sureties to the bond mentioned in section two of this act.

SEC. 6. If any person for whom a bond shall have been given under this act, shall, within the time specified in each bond, become chargeable upon any city, town or county of this State, or upon the trustees of any State hospital, an action may be brought upon such bond in the name of the people of this State, by the treasurer of the county, or the trustees of said State hospital, as the case may be. The plaintiff in said action shall be entitled to recovery upon such bonds, from time to time, so much money, not in the whole exceeding the penalty of such bond exclusive of costs, as shall be sufficient to defray the expenses incurred by any such city, town or county, or the said trustees of any State hospital, for the maintenance and support of the person for which said bond may have been given, as aforesaid. The amount of such recovery may be collected from the sale of the real or other security mortgaged, pledged, or deposited therefor, in conformity with this act.

SEC. 7. If any owner or consignee, as aforesaid, shall neglect or refuse to give the bond or bonds, with security therefor as in this act required, for each person or passenger landing from

his vessel, within three days after the landing of such person or passenger, in respect to bonds required by section two of this act, or shall not within that time, have paid the money authorized by section three, to be received in cases where such bonds are commuted for, every such owner or consignee of such vessel, severally and respectively, shall be subject to a penalty of one thousand dollars, for each and every person or passenger on whose account such bond may have been required, or for whom such commutation money might have been paid under this act. A penalty of two thousand dollars shall be incurred by every such owner or consignee, severally and respectively, for every neglect or refusal to give the bond or bonds, in section five of this act, required for each person or passenger landing from a vessel for whom such bond or bonds shall be required by the mayor, by his endorsement, as in said section five provided, within three days after the making of such endorsement. Such penalty of two thousand dollars to be for each and every passenger on whose account such bond may have been required.

SEC. 8. All moneys paid into the State treasury under this act shall be and are hereby set apart and appropriated as a hospital fund for the support and maintenance of the State hospitals now existing, or which may be hereafter created by law. Said fund shall in all instances be first chargeable with the expenses and maintenance of the said State hospital, and shall be paid out upon the warrant of the comptroller of State, to be issued monthly in favor of the treasurer of each of said hospitals. Said fund shall be apportioned as follows, between the several State hospitals, viz: three-fifths to the State Marine Hospital, at San Francisco, one-fifth to the Sacramento State Hospital, and one-fifth to the Stockton State Hospital. If said fund shall not furnish a revenue sufficient to defray the expenses and maintenance of said hospitals, then, and not otherwise, the other appropriations now made by law shall be applied to defray the deficiency, and the surplus, if any, remaining from such appropriations shall be, at the end of every six months of the fiscal year, turned over to the credit of the general fund.

SEC. 9. For all fines and penalties imposed by this act, upon any master or commander, owner or consignee, for any omission, neglect or refusal, to perform any act or duty required by this act, such vessel shall also be liable, and the amount of such fines or penalties shall be a lien on such ship, steamer or vessel, prior to all other liens, except those of sea-

men's wages, bottomry bonds and respondertia. Such penalties and fines may be sued for and recovered in a civil action, with costs of suit, by the commissioner of emigrants or his authorized attorney, in the name of the State of California, in any court having cognizance thereof, and when recovered shall, after deducting the costs of counsel or attorney and all other reasonable expenses, be paid into the State treasury. And it shall be lawful for said commissioner to compound or commute for any of the said penalties or forfeitures, upon such terms as he shall think proper, and account thereof render at the end of every month to the comptroller of State, with the reasons and causes for such compounding or commutation. Said commissioner may also compound or commute with the owner or consignee of any ship, steamer or vessel, for any such bond or bonds as are required in section five of this act, to be given by such owner or consignee for such person or persons, passenger or passengers, as have been paupers in any other country, or who, from their condition at the time of their arrival in any part of the State, or from sickness or disease at the time of their leaving the port of departure, are a public charge, or are likely soon to become so; such commutation to be fixed by said commissioner of emigrants, at such sum as he may deem just and equitable, and sufficient to defray the necessary expenses consequent upon the care, support and maintenance of the persons for whom such commutation shall be made, during the existence and continuance of their then sick, disabled or infirm state, and like account thereof render at the end of every month to the comptroller of State, and the amount of moneys received under provision of this section, to be paid at the end of each month into the State treasury.

SEC. 10. In all cases of justification of sureties required under this act, the sureties shall justify before the mayor, required to approve the bond. The mayor is hereby authorized to adminster the oath or affirmation required upon such justification, for which he shall be allowed the same fees allowed by law to a notary public, for the same service. Every master or commander of any vessel shall, at the time of making his report, as in section one provided, make oath or affirmation, before the mayor to whom such report is made, who is hereby authorized to administer such oath or affirmation, and to receive therefor the same fee as in case of justification of sureties.

SEC. 11. The word "vessel," whenever used in this act, shall be held to include ships, steamers, barques, brigs, schooners,

sloops, boats, and all other descriptions of water craft. The word "mayor," whenever used in this act, shall be held to include every mayor of a city, or officer, or board discharging the duties of mayor, or chief municipal officer.

SEC. 12. For the port of San Francisco there shall be appointed by the governor of the State, by and with the advice and consent of the Senate, a commissioner of emigrants, who shall, in that city, discharge all the duties required by this act. He shall hold his office for two years; and before entering upon its duties, he shall file in the office of the Secretary of State a bond, with two or more sureties, in the sum of twenty-five thousand dollars, to be approved by the governor, for the faithful performance of his duties. He shall receive a commission of ten per cent. on all moneys collected by him and paid into the State treasury under this act. He shall approve all bonds and administer all oaths or affirmations required in the discharge of his duties, as in section ten of this act: *Provided*, Whenever in the city of San Francisco it shall appear to said commissioner, or in any other port of this State, to the mayor thereof, that the master or commander of any vessel has not made a full and correct report, as in section one of this act: *Provided*, Such commissioner or mayor shall have a right to inquire into the same, and for that purpose may compel the attendance of witnesses before him in the same manner, by subpœna and attachment, as is provided for compelling the attendance of witnesses before district courts in civil cases. The depositions taken in writing before said mayor or commissioner may be read in evidence on the trial of any suit commenced for any penalty or forfeiture, or for any sum due on any bond according to the provisions of this act, with the like effect as if regularly taken in such suit, subject to all legal exceptions thereto.

SEC. 13. The consuls, ministers, agents, or public functionaries, of any foreign government, arriving within this State, in their official capacity, are exempted from the provisions of this act.

SEC. 14. Sections one, two, and three, of an act entitled "An act to provide a revenue for the State Marine Hospital at San Francisco," passed twenty-sixth of March, eighteen hundred and fifty-one, and an act amendatory of "An act providing for the creation of a Marine Hospital for the State of California," passed seventh of February, eighteen hundred and fifty-one, are hereby repealed.

SEC. 15. The governor may at any time, for cause shown, re-

move said commissioner of emigrants, and fill the vacancy by an appointment *pro tempore*, during the recess of the Senate, until the next session of the Senate.

SEC. 16. This act shall take effect from and after its passage.

CONNECTICUT.

Importing foreign convicts.

SEC. 115. No person convicted of any crime in a foreign country, and sentenced therefor to be transported abroad, shall be imported into this State; and every person who shall import or bring into this State any such convicts, or aid or assist therein, knowing such person, so imported, to be a convict, and sentenced as aforesaid, shall be punished by a fine of three hundred and thirty-four dollars, for every such convict so imported. [*Revised Statutes*—1849, chap. 8, p. 245.]

DELAWARE.

Infected or crowded vessels not to enter port without permit—Vessels not to bring in more than one passenger for each two tons—Penalties; how recovered and applied—Suits for, must be brought within six months.

No master, or person having charge of any vessel bound to any port in this State, having on board more than forty persons, or any one sick with any infectious disease, or coming from any sickly port, shall bring his vessel, or permit it to be brought, nearer to any place of landing than one mile; nor shall he land, or permit to be landed, at any place in this State, any person, or any goods, until he shall have obtained a permit in writing from the health officer nearest the place of landing, under the penalty of one thousand dollars. [Sec. 2.]

No master, or person having charge of any vessel bound to any port in this State, shall bring any more passengers than shall be well supplied with wholesome meat, drink, and other necessaries for the voyage; nor shall bring more passengers than one for every two tons, custom-house measurement, of said vessel, (estimating two children, between five and twelve years old, as one full passenger,) under penalty of six hundred dollars for such offence; and the health officer, on visiting any

vessel, shall enquire into this matter, and forthwith cause suit to be brought for any violation of this section. [Sec. 6.]

If the master, person in charge, or owner of any vessel, shall land, or suffer to be landed in this State, any emigrant from a foreign country, without such license, he shall forfeit and pay to the State five hundred dollars. The vessel shall be liable to this forfeiture; and the same proceedings may be had to recover the same as are provided in chapter 46. [Sec. 9.]

All forfeitures and penalties incurred under this chapter shall be sued for and recovered in the name of the State, which suit shall be brought by the attorney general, at the request of any health officer; and one-fourth of the amount recovered shall belong to such health officer, and the balance to the trustees of the poor of the county where suit is brought. [Sec. 12.]

All suits for such penalties or forfeitures shall be commenced within six months next after forfeiture or penalty incurred, and not after. [Sec. 13.]

Any trustee of the poor, member of the levy court, or justice of the peace, may grant a license for the landing of emigrants from foreign countries, on payment to the treasurer of the poor of one dollar for each person included in such license. Such license shall exonerate the master and owner of any vessel from liability to the trustees of the poor on account of landing such persons: but it shall not conflict with the provisions of chapter 46, concerning the public health. [*Revised Statutes*, title VI and VII., chap. 46 and 48, p. 124, 125, 126, 135.]

GEORGIA.

AN ACT to prevent felons, transports from other States, coming into or residing in this. [Approved Feb. 10, 1787. Vol. 1, 234.]

In order to prevent the dangerous evils arising from the communication with felons, transported from other States or nations, whereby the morals of many who would otherwise be good citizens may be corrupted, that from and immediately after the passing of this act, no person or persons, felons from other countries or States, transported or banished from the same for any crime or charge whatever, shall be eligible to any post, office of trust or profit, or be otherwise entitled to any of the privileges, immunities, or liberties of a freeman or freemen of this State; and on proof of the same by one legal evidence, or

by the authentic certificate, under seal of any State, nation, corporation, or court, from whence he, she, or they may be banished or transported, such felon or felons shall be, by warrant and mittimus, under the hand of the chief justice of the State, or one of the justices of the court where such proof shall be established, committed to the common jail of the county, without bail or mainprize, there to remain until a convenient opportunity may be procured, by the honorable the executive, to ship or otherwise send off such felon or felons, from and without the limits of this State, never thereafter to return. And in case such felon or felons should, after such shipping or sending off, return within the limits of the same, he, she, or they shall, on conviction, suffer death without benefit of clergy: *Provided nevertheless*, on such first proof of transportation, such offender or offenders charged as felons as aforesaid shall not be debarred the right of trial by jury, and shall be allowed every right of evidence to counteract such proof. [*Cobb's Digest of* 1851, vol. 1, p. 366, 367.]

AN ACT to prevent the introduction of passengers, who are aliens, into the port of Savannah during the months of July, August, September and October. [Approved Dec. 22, 1819. Vol. 3, 44.]

Whereas, It has been the practice of masters of vessels to bring numbers of passengers, natives of foreign countries, into the port of Savannah, during the sickly months, thereby exposing to almost certain death individuals whose constitutions are but illy adapted to the insalubrious climate of that city, and thereby subjects the community to an onerous expense:

SEC. 1. *Be it enacted, &c.*, That any master or commander of any ship or vessel arriving between the first of July and the last day of October, inclusive, from a foreign country, or from any other part of the United States, who shall enter his vessel at the custom-house in the city of Savannah, shall, within twenty-four hours after such entry, make a report in writing, on oath, to the mayor of said city, of the age, name and occupation of every person who shall have been brought as passenger in such ship or vessel on her last voyage, upon pain of forfeiting, for every neglect or omission to make such report, the sum of seventy-five dollars for every alien neglected to be so reported aforesaid.

SEC. 2. It shall be lawful for the said mayor, or in his sickness or absence any person legally authorized to act in his place, to require every such master of such ship or vessel to be bound with two sufficient sureties to the mayor and aldermen

of the city of Savannah, in such sums as the mayor, or such person so legally authorized as aforesaid, may think proper, not exceeding three dollars for each passenger, to indemnify and save harmless the said mayor and aldermen, and the commissioners of the poor-house and hospital, and their successors, from all and every expense and charge which shall or may be incurred for the maintenance and support of any such person so introduced, and for the maintenance and support of the child or children of any such person which may be born after such importation, in case such person so imported, or any such child or children, shall at any time within six months after the said importation become chargeable to said city; and if such person so brought as aforesaid, and not being a citizen of the United States, shall be permitted or suffered to land within the said city from any such ship or vessel, before such bond shall have been given, and without a permission in writing from the said mayor, or person so legally authorized as aforesaid, the master or commander of such ship or vessel shall be subject to the penalty of three hundred dollars for every person so suffered or permitted to land as aforesaid.

SEC. 3. If any person who may have been a passenger in any such ship or vessel, and not being a citizen of the United States, shall be suffered to land from such ship or vessel at any place within the distance of fifty miles from the said city, with intent to proceed to the said city, otherwise than in the said ship or vessel, the master or commander thereof shall be liable to the like penalty of three hundred dollars for every such person so suffered or permitted to land.

SEC. 4. If any householder in said city shall knowingly entertain in his house or family any alien so landed as aforesaid, and shall not report such alien to the said mayor, or in case of his sickness or absence, any person legally authorized to officiate in his place, within the twenty-four hours after such entertainment commences, he or she shall forfeit and pay the sum of fifty dollars for every such alien so entertained.

SEC. 5. All and singular the said penalties and forfeitures arising in said city shall and may be sued for and be recovered with full costs of suit by action of debt, in the superior court of this State, in the name of the said mayor and aldermen, and when recovered by them shall be applied towards the support of the poor of the said city, and the defendant in every such suit shall be held to special bail; and upon every such trial for any penalty or forfeiture supposed to be incurred by the landing of any such persons as aforesaid within the said city, the same

landing shall be presumed, unless the defendant shall prove that the said person was taken or sent to some foreign country without having been suffered to land as aforesaid.

SEC. 6. It shall be lawful for the said mayor and aldermen to compound for the said penalties and forfeitures, or any of them, either before or after suing for the same, upon such terms as the circumstances of the defendant or of the case may in their judgment require.

SEC. 7. Every ship or vessel from which such aliens shall have been so landed without permission in writing from the said mayor or person so legally authorized as aforesaid in his place, shall be liable for the said penalties, and may be proceeded against by attachment or any other mode in similar cases allowed by law, unless the owner thereof or their agents shall give bond with sufficient sureties to the sheriff or his deputy, in the name of the mayor and aldermen, for the payment of the said penalties and every of them which may have been incurred during or since the last voyage of the said ship or vessel, or for paying the value of such ship or vessel towards the satisfaction of such penalties as may have been so incurred by suffering any alien to land as aforesaid, and such value shall be ascertained by the wardens of the port of Savannah, or any two of them. [*Cobb's Digest of* 1851, vol. 1, p. 373, 374, 375.]

LOUISIANA.

AN ACT relative to the Charity Hospital. [Approved March 21, 1850.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That within twenty-four hours after the arrival of any ship, steamboat, or other vessel, at its place of final destination in this State, from any place without the same, the commanding officer thereof, or any other officer of such vessel thereto required, shall make, under oath or affirmation, a written report to any resident hospital commissioner, which shall state the name of such vessel, its owners, officers, and consignees, the place where its voyage began, and the name, nation, or birthplace, race or color, age, occupation, place of first embarkation, and place and time of debarkation in this State, of every person or passenger, not of the crew proper, and not

a citizen of the United States, who shall have landed from such vessel, within this State. He shall also report in like manner whether or not any officer of such vessel has collected from any person or passenger, not a citizen of the United States, any commutation money, as by this act allowed to be paid, and if so, from and by whom the same was collected, and to what amount.

SEC. 2. *Be it further enacted, &c.*, Every person not a citizen of the United States, and above the age of fourteen years, arriving and landing at any place within the limits of the State of Louisiana, from any place without the same, shall, in like manner, report himself or herself to any resident hospital commissioner, and give bond in the sum of one thousand dollars, with one or more joint and several solvent and sufficient sureties, resident in the parish where such person may have landed, conditioned that the principal in such bond shall not, at any time within five years from the date thereof, be or become from any cause chargeable or dangerous in any manner to the State, to its citizens, or to any charitable institution within its limits; unless such institution be voluntarily supported by foreigners, or citizens of foreign birth. And every person who shall refuse, or wilfully neglect, for twenty-four hours after his or her arrival and landing, to make report and give bond as by this section required, shall incur a penalty of fifty dollars: *Provided*, That persons arriving and landing in the parishes of Plaquemines, St. Bernard, Orleans, or Jefferson, shall report themselves in New Orleans, and furnish bond with surety resident in the said city of New Orleans.

SEC. 3. *Be it further enacted, &c.*, It shall be lawful for any person referred to in the foregoing section, who may be unable or unwilling to furnish bond as thereby required, to commute therefor, by paying, within twenty-four hours after his or her arrival, the sum of two dollars.

SEC. 4. *Be it further enacted, &c.*, The commutation payments allowed by the foregoing section may be lawfully made to any hospital commissioner, or to the clerk or commanding officer of the vessel on which the person making such payment arrives. And every such commanding or other officer shall, on arrival of their vessel or his own arrival, forthwith pay over to any hospital commissioner the sums so received or collected, less a commission of five per cent., which he shall be entitled to retain for his trouble.

SEC. 5. *Be it further enacted, &c.*, All bonds taken or reports received by any commissioner, in virtue of this act, shall

have the force and authenticity of notarial acts, as against the signers thereof; and every person not a citizen of the United States, claiming to be exempt from making report, or giving bond, as required by this act, shall be held to prove his exemption.

SEC. 6. *Be it further enacted, &c.*, It shall be the duty of the president and directors of the Charity Hospital of New Orleans to appoint one or more commissioners, removable at will, to be styled hospital commissioners, who shall have power, in the name and for the use of said hospital, to sue for and recover, collect, receive and receipt for all commutation money, bonds, fines, forfeitures, and penalties demandable or imposed by virtue of this act; said commissioners shall each furnish bond satisfactory to the president and directors of said hospital, for the faithful performance of their duties as commissioners. They may also, with the consent and approbation of said president and directors, appoint deputies, for whose acts they shall be responsible, and who shall be vested with the same powers and duties as themselves. Said commissioners and deputies shall perform such other duties as may be imposed upon them by said president and directors, in order to carry out more perfectly and equitably the objects of this law; they are also hereby declared vested with the power of boarding all vessels, and examining their log-books and other documents, in order to enforce the provisions of this act, and with all other powers reasonable and necessary for properly enforcing the same, in all its parts, they being responsible for the abuse of all their powers; and they shall also have authority to compound for penalties, fines, and forfeitures incurred, so long as judgment has not been rendered for the same, subject always to the control of said president and directors.

SEC. 7. *Be it further enacted, &c.*, It shall be the duty of the Charity Hospital to receive and attend gratuitously, during sickness, any destitute person, proving that he or she has, within five years previous to his or her application for medical relief, furnished bond, or paid commutation money, as required or authorized by this act.

SEC. 8. *Be it further enacted, &c.*, All bonds, fines, forfeitures, and penalties whatsoever, taken or collected by virtue of this act, or arising either directly or indirectly and remotely from any infraction of the rights, powers, duties, or obligations given or imposed thereby, and all moneys collected by virtue thereof, shall belong and be paid to the Charity Hospital of New Orleans, which shall be entitled to recover the

same, and to apply the funds arising therefrom to the medical and surgical relief of sick and destitute foreigners, exercising a just and reasonable discretion in the use and application of the same.

SEC. 9. *Be it further enacted, &c.*, Any person opposing or obstructing in any manner said commissioners, or their deputies, in the exercise or performance of their official duties, or falsely representing himself or herself to be not subject to any of the provisions of this act, shall incur a penalty of not less than twenty-five dollars, or more than three hundred dollars. Any person collecting commutation or other money on behalf of the Charity Hospital, or belonging to it, and concealing the fact, or not paying the same over to its proper commissioner or agent on demand, shall incur a penalty of not less than one hundred, or more than one thousand dollars. Any commanding or other officer of any steamboat or other vessel, refusing or wilfully and unreasonably neglecting to report, as required by the first section of this act, shall incur a penalty of not less than fifty nor more than five hundred dollars; all which penalties may be recoverable in the name and for the use of said hospital, before any competent civil tribunal, in addition to such civil liabilities, and such criminal punishment as may be consigned, by present or future laws, for like cases made and provided.

SEC. 10. *Be it further enacted, &c.*, That the act entitled "An act to provide a fund for the support of the Charity Hospital," approved March twenty-sixth, eighteen hundred and forty-two, and the act amendatory thereof, approved twenty-seventh March, eighteen hundred and forty-three, be and are hereby repealed. [Acts of 1850, No. 295, page 225.]

MAINE.

Duty of masters of vessels arriving with foreign passengers—Selectmen may dispense with bond on certain conditions—Appointment of visiting officers in maritime towns—Penalty if masters of vessels attempt to evade the foregoing provisions—Provisions of this chapter applicable to cities.

When any ship or vessel, having any passengers on board, who have no settlement within this State, shall arrive at any port or harbor within the State, the master of such ship or vessel, before such passengers come on shore, shall leave a list of their names, and the places where said passengers first em-

barked on board such ship or vessel, with the overseers of the poor where such passengers shall arrive. The master of such ship or vessel shall not land any such persons without the permission of the selectmen, unless he shall have entered into bond to such town, with sufficient sureties to the satisfaction of said selectmen, in a sum not exceeding five hundred dollars for each passenger, to save harmless such town, and all other towns within the State, from all manner of charge and expense, which may arise from such passengers as paupers, for and during the term of three years. For any neglect of the provisions of this section, said master shall forfeit and pay two hundred dollars for each passenger so coming on shore, or landed; to be recovered by action of debt, by any person who shall sue for the same, one moiety thereof to the use of the State, and the other moiety to the prosecutor. And any justice of the peace in the county where such ship or vessel shall arrive as aforesaid, on complaint in writing, made to him by a majority of the overseers of the poor of the city or town where the vessel arrived, that the master thereof has not complied with the foregoing provisions of this section, shall issue his warrant to the sheriff of said county, or any of his deputies, or constable of said town, requiring them to attach and detain such ship or vessel, until said penalty and the costs shall be paid by said master; but if not paid within twenty days, then the officers having the warrant shall sell said vessel at auction, after posting public notice of the sale in said town four days beforehand; and after deducting from the amount all the said penalty and costs, shall pay over the balance to the owner on demand. [Sec. 56.]

The selectmen of the several towns of this State may, at their election, dispense with the bond required by the section last preceding, if the master or owner of the ship or vessel in which any such passengers may arrive, as aforesaid, shall, before the landing of such passengers, pay into the treasury of the town, at which such ship or vessel shall arrive, such sum as said selectmen shall think reasonable, not exceeding five dollars for every such passenger whom he may intend to land; to be appropriated as such town may direct, for the support of paupers. [Sec. 57.]

Any town, accessible by ships or vessels, shall have power to appoint one or more visiting officers, whose duty it shall be, on the arrival of any ship or vessel having on board one or more such passengers, to go on board such ship or vessel, and there remain until the provisions of the fifty-sixth and fifty-

seventh sections of this chapter shall be complied with. It shall be the duty of such visiting officers, or either of them, to prevent the landing of any such passenger against the provisions of said sections. In case of the violation of said provisions, or an intention to violate, suspected by them, it shall be the duty of such officers to give information to the selectmen of their town. A reasonable compensation shall be paid to any such officer, by the master or owner of such ship or vessel, to be fixed by the selectmen. [Sec. 58.]

If any master or commanding officer of any such ship or vessel shall land any such passenger, at any place within this State, other than that to which such ship or vessel shall be destined, with the intent to avoid the requirements of this chapter, such master or commanding officer shall forfeit one hundred dollars for every such foreign passenger thus landed; to be sued for and recovered in the same manner, and to the same uses, as the penalty provided in the fifty-sixth section of this chapter. [Sec. 59.]

Every thing prescribed in this chapter, in relation to towns, shall also be applicable to any city in the State; and in relation to the selectmen of any town, to the mayor and aldermen of any city; and in relation to the overseers of the poor of any town, to the overseers of the poor of any city, or to such other officers as have the care and charge of the poor in said city. [Sec. 60.] *Revised Statutes*, title III, chap. 56, 57, 58, 59, 60, pages 246, 247.

AN ACT in addition to the thirty-second cnapter of the revised statutes. [Approved June 22, 1848—chapter 40.]

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SEC. 1. In any cases hereafter arising under the fifty-sixth section of the revised statutes, relating to the landing of foreign passengers, the selectmen of towns may in their discretion accept such a bond as is provided for by said section, or may require the payment of a sum of money in commutation therefor, anything in said chapter to the contrary notwithstanding; but such commutation money shall not exceed the sum of two dollars for every such passenger.

SEC. 2. All the provisions of said thirty-second chapter, designed to enforce compliance with the duties and liabilities therein imposed upon shipmasters bringing foreign passengers into this State, and all the process and penalties therein estab-

lished for that purpose, shall be applicable to and may be applied to enforce the provisions of this act, and to restrain and punish any violations of the same.

SEC. 3. This act shall take effect and be in force from and after its approval by the governor.

MARYLAND.

AN ACT relating to the importation of passengers.

Whereas, the frequent arrivals of passengers at the port of Baltimore have introduced into that city a great number of paupers, who have become charges upon the city and county, and upon the several associations in said city, incorporated by the State, for the relief of foreign emigrants to the United States; *and whereas*, a large proportion of the passengers in the various ships are paupers, and are, as such paupers, embarked, it is believed, under the direction of public authorities of foreign countries; *and whereas*, it is right that the evil in question should be remedied or alleviated as far as practicable; therefore,

SEC. 1. *Be it enacted by the General Assembly of Maryland*, That from and after the first day of September next, every master or commander of any vessel arriving from a foreign country, or from any other of the United States, who shall enter said vessel at the custom-house, in the city of Baltimore, shall, within twenty-four hours after such entry, make a report, in writing, on oath, to the mayor or register of said city, of the name, age, and occupation of every alien who shall have been brought or carried as passenger in such vessel on the voyage whence said vessel shall have as aforesaid arrived, upon pain of forfeiture, for every neglect or omission to make such report, of the sum of twenty dollars for every such passenger neglected or entitled to be so reported.

SEC. 2. *And be it further enacted*, That said master or commander shall, within forty-eight hours after the entry of said vessel, pay in respect of each and every passenger aforesaid, who shall be above the age of five years, the sum of one dollar and fifty cents to the said mayor or register, or, at the option of said master or commander, he may in lieu of such payment, as to all or to any of said passengers, become bound by specialty to the mayor and city council of Baltimore, with two

sufficient sureties, to be approved by the mayor or register, in such sum not exceeding one hundred and fifty dollars for each passenger as aforesaid, as the mayor or register shall fix, to indemnify and save harmless the mayor and city council of Baltimore, and the trustees of the poor for Baltimore city and county, from all and every expense and charge which shall or may be incurred at any time within two years from said entry, for the maintenance and support of any such passenger, as aforesaid, so imported; and if any alien passenger brought by such vessel shall be permitted or suffered to land within said city, before payment made, or bond given as aforesaid in respect of any such passenger, and before or after entry, as aforesaid, the master or commander of any such vessel shall forfeit and pay the sum of one hundred dollars for every person so suffered or permitted to land as aforesaid.*

SEC. 3. *And be it enacted*, That if any person, an alien passenger as aforesaid in such vessel, shall be suffered to land from such vessel at any place within the distance of fifty miles from said city, with the intent to proceed to said city otherwise than in said ship or vessel, the master or commander thereof shall forfeit and pay for every such person so suffered to land the sum of one hundred dollars, unless within forty-eight hours after entry, as aforesaid, he shall pay said sum of one dollar and fifty cents, in respect of such person or persons so landed, or shall become bound as aforesaid.

SEC. 4. *And be it enacted*, That all and singular the said forfeitures and penalties shall and may be sued for in the name of the mayor and city council of Baltimore, before any justice of the peace, and when recovered shall be paid over to the trustees of the poor for Baltimore city or county, or in part and to such extent and in such proportion as to the mayor and city council of Baltimore shall seem fit, to the German Society of Maryland, and to the Helvernian Society of Baltimore, and either party in such suits shall have the right and remedy of appeal as provided in case of recovery of small debts.

SEC. 5. *And be it enacted*, That said payments of one dollar and fifty cents may severally be sued for, by and in the name of the mayor and city council of Baltimore, before any justice of the peace, in the same manner, and subject to the same rules and process, and with right and remedy of appeal as provided in case of recovery of small debts; and all bonds given as aforesaid, under the second section of this act, shall be sued in

* This is modified and partially repealed by 1834, ch. 84.

the name of the mayor and city council of Baltimore, in any county court, and the recovery of said payments [of] one dollar and fifty cents, and upon said bonds, shall be applied as directed by the fourth section of this act; and in all cases of suits by virtue of this act, before any justice of the peace, the said master and commander shall be held to special bail, with surety to be approved by the justice, and to be enforced and recovered upon before any justice, as in case of small debts.

SEC. 6. *And be it enacted*, That said mayor may compound for or remit the said penalties and forfeitures, and payments and recoveries, or any of them, either before or after suing for the same, upon such terms as the circumstances of the case may in his judgment require.

SEC. 7. *And be it enacted*, That each and every master or commander of any vessel coming from a foreign country, or from any other of the United States, shall, prior to her landing any alien passenger, at any place in any county in this State, pay in respect to each and every passenger aforesaid, who shall be above the age of five years, the sum of one dollar and fifty cents, to the clerk of the county in which such alien is landed, or at the option of said master or commander, he may, prior to such landing, in lieu of such payment as to all or to any of said passengers, become bound to the clerk of such county, with two sufficient securities, to be approved by such clerk, in such sum not exceeding one hundred and fifty dollars for each passenger as aforesaid, as the clerk shall fix, to indemnify and save harmless such county, and the trustees of the poor for such county, from all and every expense or charge which shall or may be incurred at any time within two years from such landing, for the maintenance and support of any such passenger as aforesaid so imported; and if any alien passenger brought by such vessel shall be permitted or suffered to land within any county in this State, before payment made or bond given, as aforesaid, in respect of any such passenger, the master or commander of any such vessel shall forfeit and pay the sum of one hundred dollars for every person so suffered or permitted to land as aforesaid, one-half to the use of the State, and the other to the use of the informer, to be recovered in an action of debt or indictment in any county court of any county in this State, where such master or commander shall be arrested: *Provided*, That nothing in this section shall be construed to extend to any such passenger landed in the city of Baltimore. [*Dorsey's Laws of Maryland*, vol. 2, chap. 303, pp. 1096, 1097 and 1098. Sess. 1833, chap. 177; 1834, chap. 84.]

A supplement to the act entitled an "Act relating to the importation of passengers." [Dorsey's Laws, vol. 2, chap. 84, p. 1134.]

SEC. 1. *Be it enacted by the General Assembly of Maryland*, That so much of the second section of the act, to which this is a supplement, as allows the master or commander of a vessel, in place of paying the assessment of one dollar and fifty cents for each passenger, to enter into bond with sureties for saving harmless and indemnifying the mayor and city council of Baltimore, and the trustees of the poor for Baltimore city and county, be and the same is hereby repealed.

SEC. 2. *And be it enacted*, That the register of the city of Baltimore shall be entitled to, for his services under the said act, and shall have out of the moneys to be collected by virtue of said act, two per centum upon such moneys.

SEC. 3. *And be it enacted*, That the said act shall not be deemed to extend to any ambassadors, or minister, or consuls, or agents of foreign governments, arriving as passengers in the port of Baltimore.

A supplement to an act relating to the importation of passengers. [Passed December session, 1832—chap. 303.]

Be it enacted by the General Assembly of Maryland, That from and after the passage of this act, it shall be the duty of the mayor and register of the city of Baltimore, and they are hereby required to pay over to the trustees of the poor for Baltimore city and county, semi-annually, all sums of money arising from the assessment of one dollar and fifty cents each upon the importation of passengers, as provided by the act passed December session, eighteen hundred and thirty-two, chapter three hundred and eight, which has not been appropriated to the use of the German Society of Maryland, and the Helvernian Society of Baltimore, by the act passed at December session, eighteen hundred and thirty-three, chapter one hundred and seventy-seven; one-third part of which shall be appropriated by said trustees to the use of the county, and the other two-thirds to the use of the city of Baltimore, for the purpose of supporting the foreign paupers of said city and county, and to indemnify and save harmless the mayor and city of Baltimore, and the trustees for the poor of Baltimore city and county, as provided by the act to which this is a supplement.

Passed March 2, 1842.

AN ACT supplementary to an act entitled an "Act relating to the importation of passengers." [Passed January 30, 1850.]

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That it shall be the duty of the mayor of the city of Baltimore, or other person discharging the duties of his office, to require the owner or consignee of every vessel arriving from a foreign country, or from any other of the United States, which shall be entered at the custom-house, in the city of Baltimore, upon pain of forfeiture, for every neglect or omission to give bond as hereinafter required, of the sum of twenty dollars in each case to the mayor and city council of Baltimore, to give a several bond to the State of Maryland in a penalty of three hundred dollars, for each or every person, or passenger, included in the report of the master or commander of such vessel, to be made as provided in the first section of the act to which this is a supplement, secured as hereinafter provided, and conditioned to indemnify and save harmless each and every city, town and county in this State, from any cost which such city, town, or county shall incur for the relief or support of the person named in the bond, within five years from the date of such bond, and also to indemnify and refund any charge or expense such city, town, or county may necessarily incur for the support or medical care of the person named therein, if received into the alms-house or hospital, or any other institution under their charge; each and every such bond shall be secured by two or more sufficient sureties, being residents of the State of Maryland, each of whom shall prove, by oath or otherwise, that he is owner of a freehold in the said State, of the value of three hundred dollars, over and above all or any claim or lien thereon or against him, including therein any contingent claim which may accrue from or upon any former bond given under the provisions of this act; or such bond may, at the option of the party, be secured by mortgage of real estate, or by the pledge and transfer of public stock of the United States, or the State of Maryland, or the city of Baltimore, or by deposite of the amount of penalty in some bank, subject to the order of the mayor of said city, such security, real or personal, having been first approved by the said mayor.

SEC. 2. *And be it enacted,* That it shall and may be lawful for any owner or consignee, as aforesaid, at any time within three days after the landing of such persons or passengers from any ship or vessel in the port of Baltimore, to commute for the bond or bonds required by the preceding section,

by paying to the register of the city of Baltimore the sum of one dollar and fifty cents for each and every passenger reported as by law required, and the receipt of such sum by said register shall be deemed a full and sufficient discharge from the requirements of giving bonds as aforesaid; and all such commutation money and forfeiture, as herein before provided for, shall be paid and distributed by said register in the mode and proportions provided by the act of which this is a supplement, and the preceding supplements thereto, in regard to the assessments, penalties, and forfeitures made payable by said act and the supplements thereto.

SEC. 3. *And be it enacted*, That all the provisions of the act, to which this is a supplement, and of the various supplements thereto, which are inconsistent with the provisions of this act, be and the same are hereby repealed.

SEC. 4. *And be it enacted*, That this act shall take effect from its passage.

MASSACHUSETTS.

Alien passengers and paupers.

When any vessel shall arrive at any port or harbor within this State, from any port or place without the same, with alien passengers on board, who may become chargeable as paupers, the master or commanding officer of such vessel shall, before the said passengers, or any of them, leave such ship or vessel, deposite with the mayor and aldermen of the city, or with the selectmen of the town, where such alien passengers are to be landed, a complete list of their names, and shall add thereto the name of the port or place at which such alien passengers were taken on board; and the said master or commanding officer of such vessel shall, forthwith, together with one or more of the owners of such vessel, if any such owner be resident in such city or town, enter into a bond, with sufficient sureties, to the said city or to the inhabitants of said town, (as the case may be,) in a penal sum not exceeding two hundred dollars, for every alien passenger; with condition to indemnify and save harmless the said city, or town, (as the case may be,) and also the commonwealth, from all expense which may arise in maintaining, supporting, or otherwise providing for such alien passengers, during the full term of three years

then next to come: *Provided always*, That such mayor and aldermen, or selectmen, may dispense with the giving of such bond, in all cases in which it shall appear to them that no charge or payment, or liability, as aforesaid, is to be apprehended, on account of any such alien passenger or passengers, within the said term of three years: *And provided also*, that such bond may, at the election of such mayor and aldermen, or selectmen, be dispensed with, in every case in relation to any alien passengers, if the said master, commanding officer, or owner of such vessel, shall, before the landing of such passenger, pay into the city or town treasury (as the case may be) the sum of five dollars for every alien passenger whom he may intend to land.* [Sec. 27.]

If any master or commanding officer of any vessel shall land, or permit to be landed, any alien passenger, contrary to the provisions of the preceding section, the master or commanding officer of such vessel, and the owner or consignee thereof, shall forfeit the sum of two hundred dollars for every alien passenger so landed: *Provided always*, that the provisions aforesaid shall not be construed to extend to seamen sent from foreign places by consuls or vice-consuls of the United States. [Sec. 28.]

If any master or commanding officer of any vessel shall land any alien passenger, at any place within this State, other than that to which such vessel shall be destined, with intent to avoid the requirements aforesaid, such master or commanding officer shall forfeit the sum of one hundred dollars for every alien passenger so landed. [Sec. 29.] *Revised statutes*, chap. 46.

AN ACT relating to alien passengers. [Passed April 20, 1837.]

SEC. 1. When any vessel shall arrive at any port or harbor within this State, from any port or place without the same, with alien passengers on board, the officer or officers whom the mayor and aldermen of the city, or the selectmen of the town where it is proposed to land such passengers, are hereby authorized and required to appoint, shall go on board such vessel and examine into the condition of said passengers.

SEC. 2. If, on such examination, there shall be found among said passengers any lunatic, idiot, maimed, aged or infirm persons, incompetent, in the opinion of the officer so examining, to maintain themselves, or who have been paupers in any other country, no such alien passenger shall be permitted to land, until the master, owner, consignee or agent of such vessel shall

*This section is repealed by the 6th section of the act of April 20, 1837.

have given to such city or town a bond in the sum of one thousand dollars, with good and sufficient surety, that no such lunatic or indigent passenger shall become a city, town or State charge, within ten years from the date of said bond.

SEC. 3. No alien passengers, other than those spoken of in the preceding section, shall be permitted to land until the master, owner, consignee or agent of such vessel shall pay to the regularly appointed boarding officer the sum of two dollars for each passenger so landing; and the money so collected shall be paid into the treasury of the city or town, to be appropriated as the city or town may direct for the support of foreign paupers.

SEC. 4. The officer or officers required in the first section of this act, to be appointed by the mayor and aldermen, or the selectmen respectively, shall from time to time notify the pilots of the port of the said city or town of the place or places where the said examination is to be made, and the said pilots shall be required to anchor all such vessels at the place so appointed, and require said vessels there to remain till such examination shall be had; and any pilot who shall refuse or neglect to perform the duty imposed upon him by this section, or who shall through negligence or design permit any alien passenger to land before such examination shall be had, shall forfeit to the city or town a sum not less than fifty, nor more than two thousand dollars.

SEC. 5. The provisions of this act shall not apply to any vessel coming on shore in distress, or to any alien passengers taken from any wreck where life is in danger.

SEC. 6. The twenty-seventh section of the forty-sixth chapter of the revised statutes is hereby repealed; and the twenty-eighth and twenty-ninth sections of the said chapter shall relate to the provisions of this act in the same manner as they now relate to the section hereby repealed.

SEC. 7. This act shall take effect from and after the passage of the same.

AN ACT concerning alien passengers. [Passed May 10, 1848.]

SEC. 1. The governor, with the advice and consent of the council, shall appoint and commission some suitable person to be superintendent of alien passengers in each city and town of the commonwealth, when it may be necessary for the execution of the provisions herein contained, who, before entering upon the duties of his office, shall be duly sworn, and shall

give bonds to the State treasurer, with sufficient sureties for the performance thereof, in such sum as shall be specified by the governor in his commission, and who shall hold said office until another shall be appointed, commissioned, and qualified in his stead; and the superintendent shall, from time to time, notify the pilots of the port of the said city or town of the place or places where the said examination is to be made, and the said pilot shall be required to anchor all such vessels at the place so appointed, and shall require said vessels there to remain until such examination shall be had; and any pilot who shall refuse or neglect to perform the duty imposed upon him by this section, or who shall, through negligence or design, permit any alien passenger to land before such examination shall be had, shall forfeit to the city or town a sum not less than fifty, nor more than two thousand dollars.

SEC. 2. The governor, with the advice and consent of the council, shall determine the salary of each superintendent of alien passengers by him appointed, and shall specify the same in his commission: *Provided, however*, That such salary shall never exceed the net amount of alien-passenger money received by such superintendent, according to the provisions of this act.

SEC. 3. The superintendents of alien passengers shall have a care and oversight of all causes and matters arising under this act, in the city or town for which they are appointed; and whenever a breach of any of its provisions shall come to their knowledge, they shall, with the advice of the district attorney for their district, institute prosecutions, by indictment or otherwise, for the forfeitures incurred.

SEC. 4. Where any vessel shall arrive at any port or harbor within this State, with alien passengers on board, who have never before been within the State, the superintendent of the city or town where it is intended to land such passengers shall go on board such vessels, and shall examine into the condition of said passengers; and the master and commanding officer of such vessel shall, within twenty-four hours after such arrival, make a report in writing under oath to said superintendent, of the name, age, sex, occupation, place of birth, last place of residence, and condition, of every such passenger, and none of them shall be landed, or permitted to land, until such report shall be made, except as is hereinafter provided.

SEC. 5. If, on examination, there shall be found among said passengers any lunatic, idiot, maimed, aged, or infirm person, incompetent, in the opinion of the superintendent so examining, to maintain themselves, or who have been paupers in any

other country, no such alien passengers shall be permitted to land until the master, owner, consignee, or agent of such vessel, shall make and deliver to said superintendent a bond to the commonwealth, with such sureties as are undoubted and satisfactory, in the sum of one thousand dollars, that no such lunatic or indigent passenger shall ever become a city, town, or State charge, from the date of said bond: *Provided, however*, That if it shall be made to appear to said superintendent, by undoubted evidence, that any passengers on board of such vessel are in such condition as to health, property, capacity, and character, that they are not likely to become chargeable to any city or town, he may permit them to be landed, on payment to him, by said master, consignee, or agent, of the sum of two dollars for each passenger so landed; and the names of all such passengers shall be certified by said superintendent on the back of the report: *And provided, further*, That if any such passengers are so sick or destitute as to require relief, and if said master shall refuse to report them, or if said master, owner, consignee, or agent, shall refuse to give such bond as is herein required, the said superintendent may permit them to be landed, and, in such cases, any city or town that shall be put to any expenses for the support, sickness, or burial, of any such passenger within ten years of the time he has so landed, may maintain an action of debt against said master, owner, consignee, or agent, and recover all expense incurred as aforesaid; and said commanding officer, owner, consignee, or agent, shall be liable to the penalties provided in the tenth section of this act.

SEC. 6. Every superintendent of alien passengers shall, on the third Wednesday of January, April, July, and October, of each year, render an account to the treasurer of the commonwealth of all the money received by him and his assistants, under the provisions of this act, up to the first days of said months of January, April, July, and October; and after deducting therefrom the amount of salary due to him up to the time to which said quarterly accounts shall severally extend, shall pay the balance into the State treasury; and the treasurer shall, as soon as may be after the third Wednesday of January of each year, lay said accounts before the legislature.

SEC. 7. The treasurer of the commonwealth shall, during the months of January, May and September, of each year, cause to be published, in some convenient form for reference, an abstract of the reports and bonds deposited with him by superintendents, as provided in the seventh section, which abstract shall

contain an alphabetical list of all the names of alien passengers that shall have been reported up to the time of publishing said abstract, and not previously published, with the reported age, sex, occupation, place of birth, and last place of residence, of each of said aliens; also the time and place of their landing, the name of the vessel from which they were landed, and, if bonds of indemnity shall have been given as is provided in the fifth section, the names of the obligors in said bonds, and their residences, and also the names of such alien passengers as shall have been permitted to land by any superintendent under the second proviso contained in said fifth section; together with the name of the vessel from which they were landed, the time when landed, with the names respectively of the master, commanding officer, owner, consignee, or agent of such vessel; and the treasurer shall forward a copy of said abstract, when so published, to the clerks of the several towns and cities in the commonwealth.

SEC. 8. The overseers of the poor, in any town where there may be no superintendent of alien passengers, or where such superintendent shall be unable to perform his duties by reason of absence or ill health, shall perform the duties and exercise the authority herein conferred on such superintendents, and shall in like manner render their accounts to the State treasurer, and pay over the money so received, deducting therefrom a reasonable compensation for their services.

SEC. 9. If any master, or commanding officer of any vessel, shall land any such alien passengers at any place within this State other than those to which such vessel is destined, with intent to avoid the requirements of this act, such master or commanding officer shall forfeit the sum of one hundred dollars for every such passenger so landed.

SEC. 10. If any master or commanding officer of any vessel shall land, or permit to be landed, in this State, any alien passengers as aforesaid, without complying with the provisions of this act, said master or commanding officer, and the owner or consignee thereof, shall severally forfeit the sum of five hundred dollars for every such alien passenger so landed: *Provided always*, that the provisions in this act shall not extend to seamen sent from foreign places by consuls or vice-consuls of the United States, nor to vessels coming on shore in distress, or to any alien passenger taken from any wreck, where life is in danger.

SEC. 11. The two hundred and thirty-eighth chapter of the statutes of the year one thousand eight hundred and thirty-

seven, and also the ninety-sixth chapter of the statutes of the year one thousand eight hundred and forty, and also the seventy-sixth chapter of the statutes of the year one thousand eight hundred and forty-five, are hereby repealed: *Provided*, that nothing herein contained shall release any city or town from paying into the treasury any amount of money which shall have accrued to the State.

SEC. 12. This act shall take effect from and after its passage.

AN ACT concerning alien passengers. [Passed March 16, 1849.]

SEC. 1. So much of the seventh section of an act passed the tenth day of May, in the year one thousand eight hundred and forty-eight, entitled "An act concerning alien passengers," not bonded, is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

AN ACT relating to alien passengers. [Passed March 20, 1850.]

SEC. 1. Any master, owner, consignee, or agent of any vessel, or any passenger carried by water, who shall bring or aid in bringing into this commonwealth any alien, never before within the State, shall, for each and every such alien, give a bond to the commonwealth with good and sufficient sureties, to be approved by the superintendent of alien passengers, in the penalty of one thousand dollars, with a condition that no such alien shall ever become a city, town, or State charge as a pauper, and in default of giving such bond, shall forfeit and pay to the use of the commonwealth the sum of one thousand dollars for every such alien so brought into the State, to be recovered by action of debt, in any court competent to try the same: *Provided*, that it shall be at the option of every such master, owner, consignee, or agent of any vessel, or passenger carried by water, to pay to the superintendent of alien passengers, for the use of the commonwealth, in place of such bond, the sum of two dollars for every such alien, who is not, in the opinion of the superintendent, a pauper, lunatic, or idiot, or maimed, aged, infirm or destitute, or incompetent to take care of himself or herself, without becoming a public charge as a pauper: *And provided, also*, that this act shall not extend to seamen sent from foreign ports by consuls or vice-consuls of the United States, nor to ambassadors, consuls, or public ministers, or other persons representing foreign states, nor to persons coming on shore from vessels in distress, nor to any alien passenger taken from any wreck where life is in danger.

SEC. 2. The superintendent of alien passengers in any city or town of this commonwealth may make all demands for bonds under this act, and all examinations of alien passengers, brought or coming into this State by water, necessary to enforce the provisions of this act and all other acts in relation to alien passengers.

SEC. 3. The abstract of returns and bonds deposited with the treasurer of the commonwealth by the superintendents of alien passengers, to be published by him in the months of January, May, and September, in each year, and forwarded to the clerks of the several towns and cities in the commonwealth, shall be so published and forwarded monthly.

SEC. 4. Justices of the peace may, upon the complaint of superintendents of alien passengers, exercise the same power which, by the seventeenth section of the forty-sixth chapter of the revised statutes, they are now authorized to exercise upon the complaint of overseers of towns.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. Whenever any city or town shall have incurred any expense or charge for the support of any alien for whom a bond has been given, under the provisions of the first section of this act, or the fifth section of the three hundred and thirteenth chapter of the acts of the year 1848, the claims of such city or town therefor, upon being approved by the auditor, may be paid by the treasurer of the commonwealth, whose duty it shall be to cause the same to be forthwith collected of the obligors in such bond, and paid into the treasury of the commonwealth.

SEC. 7. This act shall take effect from and after its passage.

AN ACT concerning the transit of alien passengers. [Passed May 23, 1853.]

SEC. 1. When any master, consignee, or agent, shall have paid to the superintendent of alien passengers, or to the overseers of the poor in any town or city in this commonwealth, the sum of two dollars for the landing of any alien passenger, as required by section fifth of the three hundred and thirteenth chapter of the acts of eighteen hundred and forty-eight, or by section first of the one hundred and fifth chapter of the acts of eighteen hundred and fifty, said sum of two dollars shall be refunded to said master, agent, or consignee, if within thirty days after such payment he shall produce satisfactory evidence to said superintendent, or to said overseers, that such passenger, for whom said sum was by him paid, left the State within forty-

eight hours after such payment, and upon receiving such evidence, it shall be the duty of such superintendent, or overseer, to refund such money, and he shall state the amounts so refunded in his quarterly accounts, and shall not be bound to pay the same into the State treasury: *Provided*, That if any alien passenger, for whom the money paid shall have been refunded, as above provided, shall at any time return into this State, all the laws relating to alien passengers who have never before been in the State shall be applicable to such alien passengers, and to any person who shall bring such passenger a second time within the limits of the State.

SEC. 2. The superintendent of alien passengers, or the overseers of the poor, instead of receiving the payment of two dollars aforesaid, may in any case take a bond, with sufficient sureties, for such payment, and on proof that the passengers aforesaid have left the State within forty-eight hours after giving such bond, said superintendent or overseers shall cancel such bonds.

SEC. 3. This act shall take effect from and after its passage.

NEW HAMPSHIRE.

Foreign passengers.

No master of any vessel having passengers on board who have no settlement within the State, shall suffer such passengers to land, until he shall give bond to the State, in a sum equal to two hundred dollars for every such passenger, with sufficient sureties to the satisfaction of the selectmen of the town in which such passengers are landed, conditioned to indemnify and save harmless such town, and every town and county in the State, from all expenses, which for three years thereafter may arise from such passengers, whose names shall be inserted in said bond. [Sec. 7.]

If any master shall suffer any such passenger to land before such bond shall be given, unless the same shall be dispensed with by such selectmen on application therefor, he shall be punished by fine, not exceeding two hundred dollars for each passenger so landed, or by imprisonment not exceeding one year. [Sec. 8.]

Said bond shall be filed by the selectmen who approve the same, in the office of the clerk of the court of common pleas for

the county, and may, by leave of the court, be prosecuted for the benefit and at the expense of the party applying. [Sec. 9.] Compiled Statutes, chap. 71; chap. 67 of the Revised Statutes; chap. 239 of the laws of 1845.

NEW JERSEY.

AN ACT to prevent the importation of convicts into this State. [Passed January 28, 1797.]

SEC. 1. No captain or master of any vessel, or any other person, shall knowingly or willingly import, bring, or send, or cause or procure to be imported, brought, or sent, or be aiding or assisting therein, into this State, by land or water, any felon-convict, or person convicted of an infamous crime, or under sentence of death, or any other legal disability incurred by a criminal prosecution, or who shall be delivered or sent to him or her from any prison or place of confinement, in parts out of the United States.

SEC. 2. Every captain, or master of a vessel, or other person who shall so as aforesaid import, bring, or send, or cause or procure to be imported, brought or sent, or be aiding or assisting therein, into this State, by land or water, or shall sell or offer for sale, any such person as above described, knowing him or her so to be, shall forfeit for every such offence two hundred dollars, to be recovered with costs by action of debt, by any person who will sue for the same, in any court of record having cognizance thereof, in which the defendant shall be ruled to give special bail, the one moiety of said forfeiture to the State, and the other moiety to the person suing for the same.

SEC. 3. Every person who shall offend against this act shall, on conviction thereof, be adjudged and ordered to enter into a recognizance, with sufficient sureties, to convey and transport, within such reasonable time as shall be directed by the court, to some place without the limits and jurisdiction of the United States, every such felon-convict, or other person of the description aforesaid, which he or she shall have been convicted of having brought, imported, or sent, or having been aiding or assisting therein, into this State, or of having so as aforesaid sold, or offered for sale; and in default of entering into such recognizance, with sufficient sureties as aforesaid, he or

she shall be committed to jail, there to remain without bail or mainprise, until he or she shall enter into recognizance, or shall cause such felon-convict, or other person of the description aforesaid, to be conveyed or transported to some place without the limits and jurisdiction of the United States.

AN ACT respecting persons arriving in this State from foreign parts. [Passed the 10th of February, 1819.]

SEC. 1. In all cases wherein any ship or vessel shall arrive, within any port or harbor in this State, having on board passengers coming from any foreign port or place, it shall and may be lawful for the overseer or overseers of the poor of the township at which said ship or vessel may arrive, or any justice of the peace, to require of the master and commander of such ship or vessel, a bond, with approved security, to the inhabitants of such township, in a sum not exceeding two hundred dollars, conditioned for the maintenance and support of any passenger on board such ship or vessel as aforesaid, who may be sick, infirm, or otherwise incapable, in the opinion of said overseer or overseers, or of such justice, of providing for his or her own support.

SEC. 2. If the master or commander of any ship or vessel as aforesaid shall land, or suffer to be landed, from on board his said ship or vessel, any passenger who may be sick, infirm, or otherwise incapable of providing for his or her own support, except by license or permit from the overseer or overseers of the poor, without having first entered into bond as aforesaid, such master or commander shall forfeit and pay for each offence the sum of one hundred dollars, to be sued for and recovered by the overseer or overseers of the poor of the township, for the use of the same, in an action of debt, with costs of suit, before any justice of the peace of said township, or in any other court having cognizance thereof.

AN ACT relative to alien passengers arriving in this State. [Passed February 19, 1838.]

SEC. 1. *Be it enacted*, That from and after the first day of April next, the corporate authorities of any city or township in this State shall be, and are hereby, authorized to impose and collect from the master, owner, or owners, agent, or consignee of any and every ship or vessel arriving from any country out of the United States at any such city or township with alien passengers, a sum not less than one dollar, and not exceeding

ten dollars, for each and every alien passenger brought in said ship or vessel as aforesaid: *Provided*, That where the boundaries of any city are co-extensive with the boundaries of any township, that then and in that case the powers conferred by this act shall vest in, and be exclusively exercised by the corporate authorities of such city: *And provided also*, That where the boundaries of any city are included within, and not co-extensive with the boundaries of any township, and any such ship or vessel should arrive at any such city, then and in that case the powers conferred by this act shall vest in, and be exercised exclusively by the corporate authorities of such city.

SEC. 2. *And be it enacted*, That it shall be the duty of the master or commander of every ship or vessel so arriving, within twenty-four hours thereafter, and before any passenger or passengers are permitted to land from on board said ship or vessel, to furnish to the president, mayor, or chief officer of any such city, or the clerk of any such township, or such person as the corporate authorities of any such city or township may respectively designate, a full and correct list of all the passengers arriving in his vessel, with the name, age, occupation, and place of birth of each and every passenger, under the penalty of five hundred dollars.

SEC. 3. *And be it enacted*, That no passenger shall be permitted to land from on board any ship or vessel arriving as aforesaid, without permission from the corporate authority of any such city or township, under the penalty of fifty dollars for each and every passenger so landed.

SEC. 4. *And be it enacted*, That in case any alien passenger arriving as aforesaid, and landed by authority and permission of the corporate authority of any such city or township, is, or shall become sick, infirm, or otherwise incapable of providing for his or her own maintenance, then it shall be the duty of such city or township to provide for the maintenance and support of the said sick or infirm passenger, so long as he or she shall remain incapable of providing for his or her own maintenance.

SEC. 5. *And be it enacted*, That the aforesaid penalties shall and may be sued for and recovered, with full costs of suit, by action of debt, in any court having cognizance thereof, in the corporate name of any such city or township in this State where the penalty or forfeiture may have accrued; and that the defendant or defendants in every such suit may be held to special bail; and that it shall and may be lawful for the corporate authority of any such city or township to compound for

said penalties, or either of them, either before or after suing for the same, upon such terms as they may think proper.

SEC. 6. *And be it enacted*, That nothing contained in this act shall be construed to impair or in any wise counteract the full force and execution of the powers already vested in the corporate authorities of any such city or township, by their charters or acts of incorporation, or any supplements thereto.

NEW YORK.

AN ACT concerning passengers in vessels coming to the city of New York.
[Passed May 5th, 1847—chap. 195.]

SECTION 1. Within twenty-four hours after the landing of any passenger from any ship or vessel arriving at the port of New York, from any of the United States other than this State, or from any country out of the United States, the master or commander of the ship or vessel from which such passenger or passengers shall have been landed, shall make a report in writing, on oath or affirmation, to the mayor of the city of New York, or in case of his absence, or other inability to serve, to the person discharging the duties of his office, which report shall state the name, place of birth, last legal residence, age and occupation of every person or passenger, who shall have landed from such ship or vessel on her last voyage to said port, not being a citizen of the United States, and who shall have, within the last twelve months, arrived from any country out of the United States, at any place within the United States, and who shall not have paid the commutation money, or been landed according to the provisions of this act or of the act hereby amended, or of the act of February eleventh, eighteen hundred and twenty-four, concerning passengers in vessels coming to the port of New York, nor paid commutation money under the provisions of this or any former act. The same report shall contain a like statement of all such persons or passengers aforesaid as shall have been landed, or been suffered to land from any such ship or vessel, at any place during such last voyage, or who shall have been put on board, or suffered to go on board of any other ship, vessel, or boat, with the intention of proceeding to and landing at the said city of New York, or elsewhere, within the limits of this State. The said report shall further specify whether any of the said passengers, so reported, are lunatic, idiot, deaf,

dumb, blind, infirm, maimed, or above the age of sixty-years, also designating all such passengers as shall be under the age of thirteen, or widows having families, or women without husbands having families, with the names and ages of their families, and shall further specify particularly the names, last place of residence, and ages of all passengers who may have died during the said last voyage of such vessel, also the names and residences of the owner or owners of such vessel. In case any such master or commander shall omit or neglect to report as aforesaid, any such person or passenger, with the particulars aforesaid, or shall make any false report, or statement in respect to any such person or passenger, or in respect to the owner or owners of any such vessel, or in respect to any of the particulars herein before specified, such master or commander shall forfeit the sum of seventy-five dollars for every such passenger, in regard to whom any such omission or neglect shall have occurred, or any such false report or statement shall be made, for which the owner or owners, consignee or consignees of every such ship or vessel shall also be liable jointly and severally, and which may be sued for and recovered as hereafter provided. (As amended by chap. 523 of 1851.)

SEC. 2. It shall be the duty of the said mayor or other person discharging the duties of his office aforesaid, by an endorsement to be made on the said report, to require the owner or consignee of the ship or vessel from which such persons were landed, to give a several bond to the people of the State, in a penalty of three hundred dollars for each and every person or passenger included in such report; such bond being secured as hereinafter provided, and conditioned to indemnify and save harmless the commissioners of emigration, and each and every city, town or county in this State from any cost, which said commissioners or such city, town or county shall incur for the relief or support of the person named in the bond, within five years from the date of such bond, and also to indemnify and refund to the said commissioners of emigration any expense or charge they may necessarily incur for the support or medical care of the persons named therein, if received into the marine hospital, or any other institution under their charge. Each and every bond shall be secured by two or more sufficient securities, being residents of the State of New York, each of whom shall prove, by oath or otherwise, that he is owner of a freehold in the State, of the value of three hundred dollars over and above all or any claim or lien thereon, or against him, including therein any contingent claim which may occur

from or upon any former bond given under the provision of this act, or such bond may, at the option of the party, be secured by mortgage of real estate, or by the pledge and transfer of public stock of the United States, or of the State of New York, or of the city of New York, or by deposit of the amount of penalty in some bank or trust company, such security, real or personal, having been first approved by the said mayor. It shall be lawful for any owner or consignee at any time within [twenty-four hours] after the landing of such persons or passengers from any ship or vessel in the port of New York, [except as in the section hereinafter provided,] to commute for the bond or bonds so required, by paying to the health commissioners of the city of New York the sum of one dollar and fifty cents for each and every passenger reported by him as by law required; the receipt of such sum by said health commissioners shall be deemed a full and sufficient discharge from the requirements of giving bonds as above provided. The said health commissioner is hereby required to pay over daily the said money, with an account thereof, to the chamberlain of the city of New York. [But no owner or assignee shall be authorized to commute for the bond so required for any passenger arriving in the port of New York, between the first day of December and the fifteenth day of April, who may be sent to the marine hospital from shipboard by the health officer, or by the authority of the board of health of the city of New York on account of illness from ship fever. The commissioners of emigration shall have authority to commute especially for any bond in such case; at such rates and in such manner as shall appear to them equitable and proper. It shall be the duty of the health officer to report without delay, to the commissioners of emigration, the names of all passengers sent by his order during the above mentioned period from shipboard to the marine hospital on account of illness from ship fever. For the duties performed by the health commissioner, and named in this section, he shall be paid by the commissioners of emigration at the rate of seventeen hundred and fifty dollars per annum, and he shall be paid the remainder of his salary by the mayor, aldermen and commonalty of the city of New York. And at and after the expiration of the term of the present health commissioner, it shall be lawful for the commissioners of emigration to select for the performance of the duties named in this section and now performed by the commissioner of health, either the mayor of the city of New York, or the chamberlain of said city, or the health commissioners, and the com-

pensation for the performance of said duties shall be so much as such officer so selected and the commissioners of emigration may agree upon, and thereafter the salary of the health commissioner shall be fixed by the mayor, aldermen and commonalty of the city of New York, and paid from the treasury of said city.] (As amended by chap. 523 of 1851.)

SEC. 3. It shall be the duty of the commissioners of emigration, hereafter named, to examine into the condition of passengers arriving at the port of New York in any ship or vessel, and for that purpose all or any of the said commissionors, or such other person or persons as they shall appoint, shall be authorized to go on board, and through any such ship or vessel, and if on such examination there shall be found among such passengers any lunatic, idiot, deaf, dumb, blind, [maimed] or infirm persons, or [persons above the age of sixty years, or widow with a child or children, or any woman without a husband, and with a child or children, or any person unable to take care of himself or herself without becoming a public charge,] or who, from any attending circumstances, are likely to become a public charge, or who, from sickness or disease, existing at the time of departure from the foreign port, are, or are likely soon to become a public charge, they shall report the same to the said mayor particularly, and thereupon, and unless a bond, as required in the second section of this act, shall have been given, the said mayor, or the person discharging the duties of his office, shall require in the endorsement to be made as aforesaid, or in any subsequent endorsement or endorsements thereon, and in addition to the commutation money, that the owner or assignee of such ship or vessel, with one or more sufficient sureties, shall execute a joint and several bond to the people of the State in a penalty of five hundred dollars for every such passenger, conditioned to indemnify and save harmless the commissioners of emigration, and each and every city, town or county within the State, from any further cost or charge, which said commissioners, or any such city, town or county shall incur for the maintenance or support of the person or persons named in such bond, or any of them, within [five] years from the date of such bond. The sureties to the said bonds shall be required to justify before and to the satisfaction of the officer making such endorsement, and by their oath, or affirmation, shall satisfy such officer that they are respectively residents of the State of New York, and worth double the amount of the penalty of such bond, over and above all debts, liabilities, and all property exempt from execution. The subsequent endorse-

ment authorized in this section, may be made at any time within [thirty] days after such examination, or of the landing of any such person or passengers. (As amended by chap. 523 of 1851.)

SEC. 4. Gulien C. Verplanck, James Boarman, Jacob Harvey, Robert B. Minturn, William F. Havemeyer and David C. Colden, are hereby appointed commissioners, for the purpose of carrying into effect the intent and provisions of this act, of whom the said Gulien C. Verplanck and James Boarman shall constitute the first class, and shall hold their office two years; the said Jacob Harvey and Robert B. Minturn shall constitute the second class, and hold their office four years; and the said William F. Havemeyer and David C. Colden shall constitute the third class, and hold their office for six years; and upon the expiration of their several terms of office, their places shall be filled by appointments, to be made by the governor, by and with advice and consent of the senate, and the persons so appointed shall respectively hold their offices for the term of six years. The mayor of the city of New York, the mayor of the city of Brooklyn, the president of the German society, and the president of the Irish emigrant society of New York, shall also, severally, by virtue of their respective offices, be commissioners as aforesaid. The said commissioners shall be known as the "Commissioners of Emigration," and by that title shall be capable of suing and being sued; the money so as aforesaid to be paid to the chamberlain of the city of New York, shall be paid out on the warrant of the said commissioners, or a majority of them. It shall be the duty of the said commissioners to provide for the maintenance and support of such of the persons for whom commutation money shall have been paid as aforesaid, or on whose account bonds shall have been taken as aforesaid, as would otherwise become a charge upon any city, town or county, of this State; and the said commissioners shall appropriate the moneys aforesaid for that purpose, in such manner as to indemnify, as far as may be, the several cities, towns, and counties of the State, for any expense or charge which may be incurred for the maintenance and support of the persons aforesaid; such appropriation shall be in proportion to the expenses incurred by said cities, towns and counties, severally, for such maintenance and support. And the more fully to effect the object contemplated by this act, the said commissioners are authorized to apply in their discretion any part of the said money, to aid in removing any of said persons from any part of this State to another part of this, or any other

State, or from this State, or in assisting them to procure employment, and thus prevent them from becoming a public charge. The said commissioners are also authorized, in their discretion, to apply any part of the said moneys to the purchase or lease of any property, or the erection of any building, which they may deem necessary for the purposes aforesaid. But any expense so incurred by the commissioners in any city, town or county, shall be charged to the share of such moneys which any such city, town or county, shall be entitled to receive thereof, for expense incurred in the support or maintenance of the persons for whom commutation money shall have been paid as aforesaid, or on whose account bonds shall have been taken as aforesaid.

SEC. 5. In case any of the persons for whom commutation money has been paid as aforesaid, or for whom a bond has been given as aforesaid, shall, at any time within five years from the payment of such money, or the execution of such bond, become chargeable upon any city, town, or county, within this State, it shall be the duty of the said commissioners to provide for the payment of any expense incurred by any such city, town, or county, for the maintenance and support of any such person, out of the commutation money to be paid as aforesaid, and the moneys collected on such bonds, so far as the same will enable them to do so. The said commissioners shall prescribe such rules and regulations as they shall deem proper, for the purpose of ascertaining the right, and the amount of the claim of any city, town, or county, to indemnity under the provisions of this and the preceding section. The said commissioners shall have power to provide for the support and maintenance of any persons for whom commutation moneys shall have been paid, or on whose account a bond shall have been given as hereinbefore provided, and who shall become chargeable upon any city, town, or county, in such manner as they shall deem proper; and after such provision shall have been made by such commissioners, such city, town, or county, shall not be entitled to claim any further indemnity for the support and maintenance of such persons.

SEC. 6. The said commissioners are authorized to employ such agents, clerks, and servants as they shall deem necessary for the purposes aforesaid, and to pay a reasonable compensation for their services out of the moneys aforesaid.

SEC. 7. The chamberlain of the city of New York shall, on the first Monday of January, in every year, and at such other times as he shall be thereunto required by the said commis-

sioners, report to them the amount of money received by him since his last previous report, for commutation money as aforesaid, and the amount of such moneys remaining in his hands.

SEC. 8. The said commissioners shall annually, on or before the first day of February in each year, report to the legislature the amount of moneys received under the provisions of this act during the preceding year, and the manner in which the same has been appropriated particularly.

SEC. 9. In case of a vacancy in the said board of commissioners, the same shall be filled by an appointment to be made by the governor, by and with the advice and consent of the Senate. The person so appointed shall hold his office for the remainder of the term of the person in whose place he shall be appointed. The said commissioners shall in all cases be residents of the city of New York or city of Brooklyn.

SEC. 10. If any person for whom a bond shall have been given as aforesaid shall, within five years from the date of such bond, become chargeable upon any city, town, or county, of this State, or upon the money under the control of the said commissioners as aforesaid, the said commissioners may bring an action on such bond in the name of the people of this State, and shall be entitled to recover on such bond from time to time, so much money, not in the whole exceeding the penalty of such bond exclusive of costs, as shall be sufficient to defray the expenses incurred by any such city, town, or county, or the said commissioners, for the maintenance and support of the person for whom such bond was given as aforesaid.

SEC. 11. If any master or commander as aforesaid shall neglect or refuse to pay over to the said chamberlain such sum of money as is hereinbefore required for commutation money for each and every such person, within three days after the arrival of such vessel at the port of New York, or shall neglect or refuse to give any bond so required as aforesaid within the said three days, every such master or commander, and the owner or owners of such ship or vessel, severally and respectively, shall be subject to a penalty of three hundred dollars for each and every person or passenger on whose account such commutation money or such bond may have been required, to be sued for in the manner hereinafter provided.

SEC. 12. The penalties and forfeitures prescribed by this act may be sued for and recovered, with cost of suit, by and in the name of said commissioners of emigration, in any court having cognizance thereof, and when recovered shall be applied to the purposes specified in this act. It shall be lawful for the said

commissioners, before or after suit brought, to compound for any of the said penalties or forfeitures, upon such terms as they shall think proper.

SEC. 13. Any ship or vessel, whose master or commander, owner or owners, shall have incurred any penalty or forfeiture under this act, or under the act of 11th of April, 1849, amending the same, entitled "An act to amend certain acts concerning passengers coming to the city of New York," shall be liable for such penalties or forfeitures, which may be a lien upon such ship or vessel, and may be enforced and collected by warrant of attachment, in the same manner as is provided in title eight of chapter eight, of the third part of the revised statutes, all the provisions of which title shall apply to the forfeitures and penalties imposed by this act; and the said commissioners of emigration shall, for the purposes of such attachment, be deemed creditors of such ship or vessel, and of her master or commander, and owner or owners, respectively. (As amended by chap. 339 of 1850.)

SEC. 14. The moneys now authorized by law to be collected by the health commissioner from the passengers in vessels arriving at the port of New York for the use of the marine hospital, except such as are paid under protest, shall be paid at such times as the said commissioners shall direct, to the chamberlain of the city of New York, and shall be drawn in the manner prescribed in the fourth section of this act; and the expenditures of the same for the purposes of the marine hospital, as now authorized by law, shall be made by the commissioners constituted by this act, or by the commissioners of health, under their supervision and direction. And any surplus which shall remain beyond such expenditures and the appropriations made by existing laws shall be applied by the said commissioners to the general purposes of this act.

SEC. 15. Any appropriation made by existing laws from said moneys shall hereafter be paid out of the same by the commissioners appointed by this act, and any moneys which have been or shall hereafter be paid under protest, shall, upon the settlement or judicial determination in favor of the State of the claims thereto, be paid to the chamberlain of the city of New York to the credit of the commissioners of emigration, and shall be applied by them according to the provisions of this act.

SEC. 16. The said commissioners are authorized to erect such buildings and make such improvements upon the land belonging to the State, known as the "marine hospital," as they shall deem necessary for the purposes of this act, and of the said

hospital, out of the moneys in the treasury of the State belonging to the "mariner's fund," which have not been paid under protest, or which have not been otherwise appropriated.

SEC. 17. If the commutation money collected under the provisions of the second section of this act, and the surplus of the revenues of the "mariner's fund," applicable to the purposes of this act, as provided by the fourteenth section thereof, shall, at any time, be found insufficient to defray the expense incurred by the said commissioners, under the provisions of this act, and also to enable them to reimburse, as hereinbefore provided, to the several cities, towns and counties of the State, such sums as shall have been expended by them for the maintenance and support of persons for whom commutation money shall have been paid, or bonds given as aforesaid, such deficiency shall be paid out of the surplus of the moneys in the treasury of the State, belonging to the "mariner's fund," which have not been paid under protest, remaining after the expenditures for buildings and improvements authorized by this act. Nothing in this section contained shall be applicable to the moneys paid to the credit of said "mariner's fund," by the trustees of the "seamen's fund and retreat," in the city of New York.

SEC. 18. The act passed February 11th, 1824, entitled "An act concerning passengers in vessels coming to the port of New York," and the act passed April 12th, 1842, entitled "An act for the relief of the county of Kings, from the support of foreign poor," are hereby repealed.

SEC. 19. This act shall take effect immediately.

AN ACT to amend an act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5th, 1847. [Passed December 15th, 1847. Chap. 483.]

SEC. 1. The institution belonging to this State, now known as the marine hospital, and all the lands and buildings thereon, and all lands and buildings which may hereafter be purchased or erected and designated for such marine hospital, or lands and buildings used for quarantine purposes, are hereby vested in the commissioners of emigration, to be by them held in trust for the people of this State; and the sole and exclusive control of the same, except in regard to the sanitary treatment of the inmates thereof, is hereby given to the said commissioners of emigration, for the purpose of receiving therein all persons for whom bonds may be required, or for whom any bond or bonds may have been given, required or commuted for under the provisions of this act, or the acts hereby amended, suffering under

or afflicted with any contagious or infectious disease, or other disease preventing their immediate removal to any more distant hospital, and who shall be sent to such hospital by the direction of the health officer, or under his authority. (As amended by chap. 350 of 1849.)

SEC. 2. The comptroller of the State shall, within ten days after the passage of this act, render to the commissioners of emigration a full and particular statement of the condition of the mariner's fund, and the said commissioners shall have full power and authority to sue for and collect all claims in favor of said fund, and the moneys so collected shall be deposited with the chamberlain of the city of New York, and shall be drawn from him in the manner provided by the fourteenth section of the act hereby amended.

SEC. 3. The commissioners of emigration, or any one or more of them, shall have and exercise the same powers and authority in relation to poor children, actually chargeable upon or receiving support from said commissioners, as are now by law conferred upon the governors of the alms-house by section seven, of chapter three hundred and twenty-four, of laws of eighteen hundred and fifty. (As amended by chap. 523 of 1851.)

SEC. 4. The commissioners of emigration are authorized to make such regulations as they may deem necessary for the government of any institution in which they may support such persons as become chargeable to them, and for the employment of the inmates thereof. (As amended by chap. 350 of 1849.)

SEC. 5. [Whenever any alien emigrant, whose personal property shall not exceed the value of twenty-five dollars, shall die on the passage to the port of New York, or in the marine hospital, or in any other establishment under the charge of the commissioners, and] in all cases in which minor children of alien passengers shall become orphans by their parents, or last surviving parent dying, [as aforesaid,] the personal property which [alien emigrant, or such] parent or parents may have had with them shall be taken in charge by the commissioners of emigration, to be by them appropriated for the sole benefit [of the next of kin of such alien emigrant, or] of said orphan children; and said commissioners shall give, in their annual report to the legislature, a minute description of all cases in which property shall come into their possession by virtue of this section, and the disposition made of the same, unless it shall appear that there are other persons entitled by

will or otherwise to such property or distributive share thereof. Whenever it shall so appear, the portion only to which the [next of kin or] said minor orphans would be legally entitled shall be [transferred to them or] applied to their use, and the remainder shall be received, held, and distributed to the parties severally entitled thereto, in the same manner and with the same authority as by law provided in respect to [the public administrator of the city of New York, except that the said commissioners are hereby authorized to distribute the same after a notice for creditors to appear and put in their claims within one week from the publication of the said notice. The said notice shall be published once in one of the daily papers of the city of New York.] (As amended by chap. 523 of 1851.)

SEC. 6. The second section of this act in relation to the collection of money by the commissioners of emigration shall not apply to the sum of sixteen thousand one hundred and sixty-six dollars and thirteen cents paid to the commissioners of health by the trustees of the seaman's fund and retreat, and now in the hands of the commissioners of health, but the said sum shall be paid into the treasury by the commissioners of health, and when so paid ten thousand dollars thereof shall be applied as provided by the second section of the act, chapter 373 of the laws of 1847, and the residue thereof in such manner as may be hereafter provided by law.

SEC. 7. Nothing in this act contained shall be deemed to effect the present mode of appointment of the health officer, resident physician, or commissioner of health in the city of New York; nor to prevent the health officer from selecting his own medical assistants.

SEC. 8. This act shall take effect immediately.

AN ACT to amend certain acts concerning passengers coming to the city of New York. [Passed April 11, 1849—chap. 350.]

[Section 1, 2 and 3 amend sections 1, 2 and 3 of chapter 195 of 1847, which sections are still further amended by chapter 523 of 1851.]

SEC. 4. If any person for whom a bond shall have been given as aforesaid, shall, within the time specified in such bond, become chargeable upon any city, town or county of this State, or upon the moneys under the control of the said commissioners, as aforesaid, the said commissioners may bring an action on such bond in the name of the people of this State, and shall be entitled to recover on such bond from time to time as much money, not in the whole exceeding the penalty of such bond ex-

clusive of costs, as shall be sufficient to defray the expenses incurred by any such city, town or county, or the said commissioners for the maintenance and support of the person for whom such bond was given as aforesaid, and shall be authorized to collect and apply such money from any of the real or other security mortgaged, pledged, or deposited therefor in conformity to this act.

SEC. 5. If any owner or assignee, as aforesaid, shall refuse or neglect to give any such bond or bonds as hereinbefore required, according to the second section of this act, for each person or passenger landing from his ship or vessel, within three days after the landing of such persons or passengers, or shall not within that time have paid the moneys authorized by said section to be received in cases where such bonds are herein authorized to be commuted for, or shall refuse or neglect to give the bonds required by the third section of this act, to be given in certain cases, on the requirement of the mayor of the city of New York, or other person discharging the duties of his office, made according to the provisions of said section, within six days after such requirement being so made; every such owner or consignee of such ship or vessel severally, and respectively, shall be subject to a penalty of five hundred dollars for each and every person or passenger on whose account such bond may have been required, or for whom such commutation money might have been paid under this act; such penalty to be sued for as provided for in the twelfth section of the said act hereby amended, in every case where any fine, penalty or forfeiture shall be incurred by the owner or owners, consignee or consignees, master or commander of any vessel, arriving at the port of New York, under any of the provisions of the act concerning passengers coming to the city of New York, passed 5th of May, 1847, and of this act, by reason of their neglect or refusal to give the bonds, or any of them, required by law, the consignee of such passengers, in relation to whom such neglect or refusal shall have occurred, shall be liable in the same penalties and may be sued and recovered against in the same manner as is by law provided in relation to the owner or owners, consignee or consignees of the vessel. (As amended by chap. 339 of 1850.)

[Section 6 amends section 1 of chapter 483 of 1847. Section 7 amends section 3 of chapter 483 of 1847, which section is still further amended by chapter 523 of 1851.]

SEC. 8. The commissioners of emigration are authorized to employ and appoint [and dismiss at pleasure] a superintend-

ent, [physicians,] and such other officers, [nurses and orderlies] and such servants as they shall deem necessary for the management and care of the marine and other hospitals used for quarantine purposes, and to pay all needful expenses therefor out of the moneys under their control; but the moneys received under any of the provisions of this act, as commutation money, or upon bonds given for or on account of any persons or passengers landing from vessels at the port of New York, or elsewhere, shall not be applied or appropriated to any other purpose or use than to defray the expenses incurred for the care, support or maintenance of such persons or passengers, [nor shall such passengers be entitled to any aid from the commissioners of emigration after they shall have left the State of New York, and been absent therefrom for more than one year.] Nothing in this act contained shall be deemed to affect the authority of the board of health, nor the mode of appointment of the health officer, resident physician, or commissioner of health of the city of New York, or to prevent the health officer from selecting his own medical assistants, [other than those of the marine hospital,] for any duties required by law to be discharged by him, or under his authority. (As amended by chap. 523 of 1851.)

SEC. 9. [Amends section 4 of chapter 483 of 1847.]

SEC. 10. [Amends section 5 of the same chapter, which section is still further amended by chapter 339 of 1850, and by chapter 523 of 1851.]

SEC. 11. The board of health of the city of New York may appoint any physician in their employ, or in that of the commissioners of emigration, to act as the agent of the board of health in all matters concerning the protection of the city against the introduction of contagious or infectious diseases.

SEC. 12. It shall be the duty of the superintendent of the marine or other hospital, used for quarantine purposes, to furnish to the board of health as often as may be required, a full and correct report of all persons in the said hospital affected with any contagious or infectious disease, and of all such patients as may die, or be discharged as cured; such report shall be countersigned by the agent of the board of health, and no persons who may be, or who have been received as patients affected with contagious or infectious diseases, or under treatment, as shall be discharged or removed from the marine or other hospital used for quarantine purposes without a permit in writing from the health officer.

SEC. 13. The commissioners of emigration shall receive into

the marine or other hospital for quarantine purposes, all alien passengers for whom bonds shall have been given or commutation paid, under the several acts of this State relating to alien passengers arriving at the port of New York, who shall be affected with any contagious or infectious disease, and sent to such hospital by the authority of the health officer.

They shall defray the expenses of such patients out of the moneys by them received on account of bonds or commutation. They shall also receive and provide for all other patients or passengers who shall have landed from any vessel at the port of New York, affected with any contagious or infectious disorder, who shall be directed to be so received by the health officer, or the board of health; they shall be entitled to receive for each person so admitted (other than aliens as above mentioned) at the rate of three dollars per week for their support and medical care, which shall be at the expense of owner or assignee of any vessel in which such person shall have arrived, and from which they shall have landed, and no vessel shall be permitted to leave quarantine until such expense shall have been paid, or secured to be paid to the satisfaction of the commissioners of emigration or the officer duly authorized by them for such purpose.

SEC. 14. The health officer shall not by right of office have any other authority over the marine hospital, or medical charge as physician thereof, than as in this act provided.

SEC. 15. So much of the act concerning quarantine or regulations in the nature of quarantine at the port of New York, passed May 13th, 1846, as requires that any person shall be admitted into the marine hospital who shall have paid hospital money during any temporary sickness within one year after such payment, is hereby repealed.

SEC. 16. So much of the Revised Statutes in relation to the marine hospital and its funds, and the several acts and amendments thereto, passed April 18th, 1843, and May 7th, 1844, as authorizes or requires the health commissioner to demand or receive hospital money from or on account of any master, mate, sailor or passenger arriving in the port of New York, is hereby repealed.

SEC. 17. The commissioners of emigration are authorized to require the health officer to perform the duties of physician to the marine hospital, in which case he shall reside within the quarantine enclosure, and perform the duties of physician of marine hospital, and all other duties appertaining to that office, and discharge the patients from the hospital without com-

pensation therefor, other than is now by law allowed him as health officer, and he shall not be entitled to demand or receive from the commissioners of emigration any pay or compensation whatever for services performed by him except where a written contract to that effect shall have been entered into by them. He shall also perform the duties of superintendent without compensation, if so required by the commissioners of emigration, and (at and after the expiration of the term of the present health officer) he shall pay the wages of the boatmen whom they shall respectively employ, and the commissioners of emigration shall in no respect be liable therefor. (As amended by chap. 523 of 1851.)

SEC. 18. The physician of marine hospital shall have the superintendence and control of, and shall make such regulations for the sanitary treatment of the patients in such marine or other hospital for quarantine purposes as may be found necessary, and prescribe therein the duties of the assistant physicians thereof, and shall take upon himself and assign to such assistants, respectively, the charge of such portions of such hospital as shall seem to him best adapted to secure the objects and purposes of such institution, and the care and proper medical treatment of the inmates thereof; and the said commissioners may employ from time to time such additional medical assistants as the temporary wants of such hospital and the inmates thereof shall require.

SEC. 19. Each assistant physician of such marine or other hospital for quarantine purposes, shall from time to time, as shall be necessary, select and appoint such and so many nurses and orderlies in the department of such hospital which shall have been assigned to or be under his supervision and care, as shall be required for the proper care of the inmates of their respective departments, but the number of such nurses and orderlies shall be determined and controlled by the "physician of marine hospital," and the compensation of such nurses and orderlies, and of each of them, shall be fixed and determined by the commissioners of emigration.

SEC. 20. The "physician of marine hospital" shall have and receive an annual salary of five thousand dollars, to be paid quarterly; and each of the assistant physicians shall have and receive a salary of one thousand two hundred dollars per annum, to be paid quarterly or monthly, as the commissioners of emigration may determine, and in that ratio for any period of service of such physician or assistant; and all salaries and other compensation of such physician and assistant physicians,

and of all nurses, orderlies and servants, or others necessarily employed in and about the business, care, and proper management of such marine or other hospital for quarantine purposes, shall be paid by the commissioners of emigration, from and out of moneys collected upon the bonds hereinbefore required to be given by the owners or consignees of vessels arriving with and landing passengers at the port of New York, or from the commutation moneys paid upon or in lieu of such bonds, in accordance with the provisions of this act, and all the expenses of such marine or other hospital for quarantine purposes shall, as far as practicable, be defrayed by said commissioners out of and from the moneys and securities in this act specified; but nothing in this act contained shall be so construed as to authorize the payment of any salary or compensation for services rendered by said commissioners of emigration or any of them.

SEC. 21. The penalties and forfeitures prescribed in and by this act may be sued for and recovered with costs of suit, by and in the name of said commissioners of emigration in any court having cognizance thereof, and when recovered shall be applied to the support of such marine or other hospital for quarantine purposes as specified in this act. It shall be lawful for the said commissioners, before or after suit brought, to compound or commute for any of the said penalties or forfeitures upon such terms as they shall think proper, also to commute and compound with the owner or consignee of any ship or vessel for any such bond or bonds as are required in section three of this act to be given by such owner or consignee for such person or persons, passenger or passengers, as have been paupers in any other country, or who from sickness or disease existing at the time of departure from the foreign port are, or are likely soon to become a public charge, or who shall be sent to the marine or other hospital for quarantine purposes in accordance with the provisions of this act, in consequence of sickness or disease existing at the time of departure from the foreign port; the commutation for said last mentioned bond or bonds to be fixed by said commissioners at such sum as they shall deem just and equitable, and sufficient to defray the necessary expenses consequent upon the care, support and maintenance of the persons for whom such commutation shall be paid, during the existence and continuance of their then sick and diseased state.

SEC. 22. This act shall take effect immediately.

AN ACT to amend the act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5th, 1847, also to amend the act entitled "An act to amend certain acts concerning passengers coming to the city of New York," passed April 11, 1849. [Passed April 10, 1850—Chap. 339.]

[Section 1 amends section 13 of chapter 195 of 1847. Section 2 amends section 5 of chapter 350 of 1849. Section 3 amends section 5 of chapter 483* of 1847, as amended by section 10 of chapter 350 of 1849, which section is still further amended by chapter 523 of 1851.]

AN ACT to amend chapter four hundred and eighty-three, of the laws of eighteen hundred and forty-seven; chapter three hundred and fifty, of the laws of eighteen hundred and forty-nine; chapter two hundred and seventy-five, of the laws of eighteen hundred and fifty, and chapter three hundred and thirty-nine, of the laws of eighteen hundred and fifty—acts concerning passengers coming to the city of New York, and the public health. [Passed July 11, 1851—Chap. 523.]

[Section 1 amends section 3 of chapter 339 of 1850. Section 2 amends section 3 of chapter 483 of 1847. Section 3 amends section 1 of chapter 195 of 1847, as amended by section 1 of chapter 350 of 1849. Section 4 amends section 3 of chapter 195 of 1847, as amended by section 3 of chapter 350 of 1849. Sections 5, 6 and 7 amend section 8, 17 and 2 of chapter 350 of 1849.]

SEC. 8. [The commissioners of emigration are hereby authorized and empowered, by and with the consent and approval of the governor, comptroller and attorney-general, to sell or exchange, and give conveyance for, any lands or any portion thereof, which have been or may hereafter be purchased by them as such commissioners.]

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 10. The provisions of this act so far as it relates to the abolition of the office and duties of the physician to the marine hospital shall not take effect until the first day of January next.

SEC. 11. This act shall take effect immediately.

*Section 1 of chapter 523 of 1851, amends section 3 of chapter 339 of 1850. The latter section amends section 5 of chapter 195 of 1847, as amended by section 10 of chapter 350 of 1849. But, by referring to this section, it will be seen that it amends section 5 of chapter 483 of 1847. In this respect there is evidently an error in the act of 1850, which is corrected in this volume, by inserting section 1 of chapter 529 of 1851 as section 5 of chapter 483 of 1847.

AN ACT for the protection of emigrants arriving in the State of New York.
[Passed April 11, 1848—Chap. 219.]

SEC. 1. The commissioners of emigration are hereby authorized and empowered to lease or purchase suitable docks or piers in the city of New York, and to erect necessary enclosures thereon, and such docks and piers to be appropriated and set apart for the exclusive use of landing emigrants, alien passengers; but no docks or piers shall be purchased or leased without the approval and consent of the common council of said city, and the expense thereof, not to exceed fifteen thousand dollars, shall be paid out of the moneys paid in pursuance of the provisions of an act entitled "An act concerning passengers in vessels coming to the city of New York," passed May 5, 1847, and be considered and charged as applied to the general purposes of the said act; on application being made to them by any steamboat or lighter proprietor who is a citizen of good moral character, and shall give good security in a sum not exceeding five hundred dollars to comply with the provisions of this act, the said commissioners are hereby authorized and directed to grant licenses, to receive alien passengers and their baggage from vessels arriving at the port of New York, subject to quarantine, or from the passengers' docks of quarantine, to be landed at the emigrant piers or docks aforesaid; and the said commissioners shall have power to revoke the license of any person violating the provisions of this act. And every captain of a steamboat or lighter not properly licensed for such purpose pursuant to this section, who shall convey any emigrant passengers from any such vessels, shall be liable to a penalty of one hundred dollars for each and every offence, to be recovered by the said commissioners of emigration.

SEC. 2. It shall be the duty of every shipmaster, owner or consignee bringing to the port of New York any alien emigrants, steerage, or second cabin passengers, in vessels not subject to quarantine, to cause the same with their baggage to be landed on the emigrant piers as aforesaid, either directly from the vessel, or by means of some steamboats or lighters licensed as aforesaid; and the landing of them upon any other pier or wharf shall be punished by a fine not less than one hundred dollars, which fine may be recovered of the master, owner or consignee of such ship or vessel. The commissioners of emigration are hereby empowered to make all necessary regulations for the preservation of order, and the admission to or exclusion from said dock of any person or persons except-

ing such as are duly licensed; and any person violating any such regulations shall be liable to a penalty of one hundred dollars for each and every offence, to be recovered by the said commissioners of emigration.

SEC. 3. All persons keeping houses in any of the cities of this State, for the purpose of boarding emigrant passengers, shall be required to have a license for said purpose from the mayor of the city in which such houses are located, and such persons so licensed shall pay to the said city the sum of ten dollars per annum, and shall give bond satisfactory to said mayor with one or more sureties in the penal sum of five hundred dollars, for their good behavior, and the proper conduct of all agents and runners in their employ, and said mayor is hereby authorized to revoke any license for cause. Every keeper of such boarding-house shall, under a penalty of fifty dollars, cause to be kept conspicuously posted in the public rooms of such house, in the English, German, Dutch, French, and Welsh languages, and printed upon business cards, to be kept for distribution as hereinafter provided, a list of the rates of prices which will be charged emigrants per day and week for board and lodging, and also the rates for separate meals, which card shall contain the name of the keeper of such house, together with its number and the name of the street in which such house is situated. The keeper of such house shall also file a copy of said list in the city of New York, in the office of the commissioners of emigration, and in each of the other cities of this State, with the mayor of said city, and with the agent of the commissioners of emigration; and the keeper of any emigrant boarding-house who shall neglect or refuse to post a list of rates, or to keep business cards so as above provided, or who shall charge or receive, or permit or suffer to be charged or received for the use of such keeper, or for any other person, any greater sum than according to the rates of prices so posted and printed on business cards, and if any runner employed by any emigrant boarding-house keeper, or any emigrant boarding-house keeper himself shall engage any emigrants as guests for such boarding-house, without delivering to every such emigrant a printed business card as above provided, he shall, upon conviction thereof, be deprived of his or her license, and be punished by a fine not less than fifty nor more than one hundred dollars, to be recovered in the city of New York by the commissioners of emigration, and in the other cities of this State by the mayor thereof; and any person who shall keep a boarding or lodging-house for emigrants within any of the

cities of this State, who shall refuse or neglect to obtain a license in pursuance of the provisions of this section, shall, upon the first conviction, forfeit the penalty of one hundred dollars, and upon a subsequent conviction shall forfeit the penalty of two hundred dollars, to be recovered by the persons, and in the manner above set forth. (As amended by chap. 432 of 1849.)

SEC. 4. No keeper of any emigrant boarding-house shall have any lien upon the baggage or effects of any emigrant for boarding, lodging, storage, or any other account whatever, for any greater sum than shall be due from such emigrants for boarding and lodging, according to the rates of prices so posted as above provided; and upon complaint being made upon oath before the mayor or any police magistrate of the city in which such boarding-house is located, that the baggage or effects of any emigrant are detained by the keeper of any emigrant boarding-house, under pretence of any lien upon such baggage or effects or any claim or demand against the owner or owners thereof, for any other or greater sum than in accordance with such rates, it shall be the duty of the officer before whom such complaint is made, immediately to issue his warrant directed to any constable or policeman of said city, commanding him or them to bring before him the party against whom such complaint has been made, and upon conviction thereof, the officer before whom such conviction shall be had, shall cause such goods to be forthwith restored to the owner thereof, and the party so convicted shall be punished by a fine not less than fifty dollars, and not exceeding one hundred dollars, and shall be committed to the city prison until the said fine shall be paid, and until such baggage or effects shall be delivered to such emigrants. Any person so convicted shall have the right of appealing from the decision of such mayor or magistrate to the same tribunals, and in the same manner as is provided by law for appeals from the decisions of justices in civil cases, and all the provisions of law relating to appeals from justices shall apply as far as applicable to appeals from such mayor or other magistrate. But such appeal shall not authorize the detention of such baggage or effects after the payment of the sum which such mayor or magistrate shall adjudge to be justly due from such emigrant. (As amended by chap. 321 of 1849.)

SEC. 5. No person shall, in any city in this State, solicit emigrant passengers or their baggage for emigrant boarding-houses, passenger offices, forwarding or transportation lines, without the license of the mayor of such city, for which he shall pay the sum of twenty dollars per annum, and give satisfactory

bonds to said mayor in the penal sum of three hundred dollars as security for his good behavior; nor shall any person not a native or naturalized citizen of the United States be so licensed. The said mayor may at any time revoke such license for good cause shown. Every person so licensed shall wear in a conspicuous place about his person a badge or plate of such character and in such manner as said mayor shall prescribe, with the words "licensed emigrant runner" inscribed thereon, with his name and the number of his license. No person who is not of approved moral character shall be licensed as such runner. Every person who shall solicit alien emigrant passengers, or others, for the benefit of boarding-houses, passenger offices or forwarding lines, upon any street, lane, alley, or upon any dock, pier, or public highway, or any other place within the corporate bounds of any city in this State, or upon any waters adjacent thereto, over which any of said cities may have jurisdiction, without such license, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county prison or jail not less than three months nor exceeding one year. But this section shall not be so construed as to prohibit the proprietors of emigrant boarding-houses from soliciting emigrant passengers on their own account without such license, (if licensed as boarding-house keepers,) anything in section two to the contrary notwithstanding. (As amended by chap. 321 of 1849.)

SEC. 6. The commissioners of emigration may, when in their opinion it shall seem necessary, appoint a proper person or persons to board vessels from foreign ports at the quarantine ground, or elsewhere in the port of New York, having on board emigrant passengers, for the purpose of advising such emigrants, and putting them on their guard against fraud and imposition; and the health officer is hereby required to prevent any person or persons from going on board such vessels which may be subject to examination by him, until after the said person or persons appointed by the commissioners of emigration shall have had sufficient opportunity to perform their duty.

SEC. 7. No person or persons shall exercise the vocation of booking emigrant passengers, or taking money for their inland fare, or for the transportation of the baggage of such passengers, without keeping a public office for the transaction of such business, nor without the license of the mayor of the city in which such office shall be located, for which shall be paid the sum of twenty-five dollars per annum. Every such office and place for weighing baggage shall be, at all times

when business is being transacted therein, open to the commissioners of emigration, or their agent, duly appointed, and no scales or weights shall be used for such purpose but such as have been inspected and sealed by the city inspector of weights; and every such establishment shall have posted in a conspicuous place and manner at its place of business, in the English, German, Dutch, French, and Welsh languages, a list of prices or rates of fare, for the passage of emigrant passengers, and the price per hundred pounds for transportation of their baggage to the principal places to which the proprietors thereof undertake to convey such passenger; and shall also deliver a copy of such list to the commissioners of emigration, or to their agent in any city where such agency shall be established; and any person or company who shall charge or receive, or allow to be charged or received, by any person in his or their employment, a greater amount than is specified in said list of prices, or who shall defraud any emigrant in the weight of his or her baggage, or who shall receive money from an emigrant or emigrants for their passage, or for the transportation of their baggage, and shall refuse or neglect to issue in the person or persons so paying their fare, or for the transportation of their baggage, a ticket which shall state the time and place of such issue, the number of persons so paying, the distance in miles to the place to which fare is received, the amount so received, the number of pounds of baggage, and the price per hundred pounds for its transportation; which said ticket shall be signed by the person or persons in whose name the establishment is conducted, and if more than one person is interested in the concern shall be printed or written on the ticket; or who shall issue any such ticket directed to an agent, without first having made arrangements with some responsible person to act as his, her or their agent, or who shall issue a ticket so as aforesaid for the passage of any emigrant, or his or her baggage which shall not be promptly redeemed by the agent or consignee, according to the terms of the agreement, as set forth in the ticket, or who shall in any way fail or neglect to fulfil any contract for the passage of any emigrant, or for the transportation of any baggage made with an emigrant, or who shall issue to any person blank receipts signed by him, or them, or who shall permit his, her, or their name or names to be used by any other person or persons in said business of booking emigrant passengers and their baggage, or taking money for their fare or transportation of their baggage, shall, together with all other persons concerned in the

violation of these provisions, be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by confinement in the city or county prison, not less than six nor more than twelve months; and any person or company receiving money, as aforesaid, for the passage of emigrants, or who shall refuse admission as aforesaid to such office, or place of weighing baggage, during the time of transacting business therein, or who shall neglect to post the said list of rates as aforesaid, or who shall neglect or refuse to furnish a copy thereof as aforesaid, or who shall make any arrangement or engagement with any emigrant for his passage or transportation, or any runner or agent connected with or employed by such forwarding establishment make such engagement or arrangement, without delivering to every such emigrant a printed card (in the language of the country to which said emigrant may belong) of prices or rates of fare, which will be charged every emigrant for his passage, or for transportation of his baggage or effects to the principal places on the route which he, the said emigrant, is about to travel, and every such keeper, or owner or owners, or runner or runners, connected therewith, or any licensed emigrant runner or runners shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by imprisonment in the county prison for a period not less than three nor more than six months. License under this section may be revoked for cause; and no person under this section shall be licensed who is not of good moral character and a citizen of the United States. (As amended by chap. 432 of 1849.)

SEC. 8. No person holding office under the government of the United States, or of this State, or of any of its cities, or who shall be in the employment of the commissioners of emigration, shall solicit custom for any transportation line, or shall be interested in any way, directly or indirectly, in the forwarding of emigrants, under a penalty of not less than one hundred dollars, and not exceeding three hundred dollars, to be sued for in the name of the people of this State, and which money when collected shall be paid into the county treasury for the use of the poor of said county.

SEC. 9. The penalties and forfeitures prescribed by this act, except as is hereinbefore otherwise provided, shall be sued for and collected in the name of the people of this State, and applied in the same manner specified in the foregoing section, except so far as this act applies to the city of New York, when the same may be sued for and recovered, with cost of suit, before any court having cognizance thereof, by and in the name

of the commissioners of emigration; and when so recovered, shall constitute a part of the fund and be disposed of in the same manner as commutation moneys now derived from emigrant passengers.

SEC. 10. The commissioners of emigration shall annually make and return to the legislature with their annual report an affidavit, in and by which they shall respectively swear or affirm, each for himself, to the correctness of such report; and that he hath not, directly or indirectly, been interested in the business of boarding emigrants, in the transportation of any emigrant passengers through any portion of the interior of this country, or had made or received, directly or indirectly, any gain, profit or advantage, by or through the purchase of supplies, the granting of any contract or contracts herein, or licenses, privilege or privileges, or the employment of any officer, servant or agent, mechanic or laborer, or any person in the business, under the control of said commissioners.

SEC. 11. In case the moneys now appropriated by law for the support of the fever and smallpox hospitals at quarantine shall be exhausted during the recess of the legislature, the commissioners of emigration may use such portions of the commutation money, collected pursuant to act May 5th, 1847, for the support of said hospitals, as the governor, attorney-general, and comptroller may certify to be necessary for such purpose.

SEC. 12. This act shall take effect immediately.

AN ACT to control an act entitled "An act for the protection of emigrants arriving in the State of New York," passed April 11th, 1848. [Passed April 10th, 1849—Chap. 321, p. 463.]

[Sec. 1 amends sec. 4 of chap. 219 of 1848.]
[Sec. 2 amends sec. 5 of the same chap.]

AN ACT to amend "An act for the protection of emigrants arriving in the State of New York." [Passed April 11th, 1849, "three-fifths being present"—Chap. 432, p. 600.]

[Sec. 1 amends sec. 3 and 7 of chap. 219 of 1848.]

SEC. 2. The commissioners of emigration are hereby authorized to employ such agents, clerks and servants as they shall deem necessary for the purposes aforesaid; and they shall appoint at least one agent in each of the cities of Albany, Rochester and Buffalo, and pay a reasonable compensation to such clerks, agents and servants for their services out of the moneys aforesaid.

AN ACT concerning passengers arriving at the ports of entry and landings in this State. [Passed December 10, 1847—Chap. 431, p. 557.]

SEC. 1. Within twenty-four hours of the arrival of any ship or vessel at any port of entry or landing place in this State, situated northerly of the city of Albany, and including those upon the river St. Lawrence, lake Ontario, the Niagara river, and lake Erie, from any of the United States other than this State, or from any country out of the United States, the master or commander of any such ship or vessel shall make a report in writing, on oath or affirmation, to the president of the board of trustees of the village, in which such port may be, or, in case of his absence or other inability to serve, to either of the trustees of said village, or if such port be within the jurisdiction of an incorporated city, then such report shall be made to the mayor of such city, or, in case of his absence, to one of the aldermen thereof, or if such port or landing be without the jurisdiction of any incorporated city or village, then such report shall be made to one of the overseers of the poor of the town in which such port or landing may be, which report shall state the name, place of birth, last legal residence, age, and occupation of every person or passenger arriving in such ship or vessel, on her last voyage to said port, not being a citizen of the United States, emigrating to the United States, or the territories thereof, and who shall not have executed the bond or paid the commutation money mentioned in the next section of this act. In case any such master or commander shall omit or neglect to report as aforesaid, or shall make any false report or statement in respect to any such person or passenger, in all or any of the particulars hereinbefore specified, such master or commander shall forfeit the sum of seventy-five dollars for every such person or passenger in regard to whom any such omission or neglect shall have occurred, or any such false report or statement shall be made, for which the owner or owners of every such ship or vessel shall also be liable, jointly and severally, and which may be sued for and recovered as hereinafter provided. (As amended by chap. 116 of 1851.)

SEC. 2. It shall be the duty of the officer to whom such report shall be made, by an endorsement to be made on such report, to require the master or commander of such ship or vessel, within twenty-four hours after the arrival of such ship or vessel at the port or landing, to execute to the superintendents of the poor of the county a bond for each and every such person, in the penal sum of five hundred dollars, with one or more sureties, to be approved by the officer making such endorse-

ments; conditional to pay all damages, costs, charges and expenses that any county, city, or town, within this State, shall incur in the support and maintenance of such persons within five years from the date of such bond; but such master or commander may commute for such bond, by paying to the persons mentioned in this section as aforesaid the sum of one dollar for such person, and the payment of such sum shall be in full discharge of such master or commander from all liability for the support of such person, and from his liability to give such bond. (As amended by chap. 116 of 1851.)

SEC. 3. The treasurer of each of such cities and villages shall within five days after his election to office, and before he shall perform any duties under this act, execute a bond, with two sureties, to the superintendents of the poor of the county in which such village or city is situated, to be approved by the president of the board of trustees of such village, or by the mayor of such city, conditional for the faithful performance of his duties under this act, and shall, on, or before the first Tuesday of the months of February, May, August and November in every year, report to and pay over to the superintendents of the poor of the county in which such city or village is situated, the amount of money received by him since his previous report for commutation as aforesaid.

SEC. 4. The superintendents of the poor of said counties respectively shall audit the accounts of the officers of such cities or towns, or villages, for services rendered by them under the provisions of this act, and pay the same out of the commutation money received by them aforesaid, and shall annually, on or before the fifteenth day of February of each year, report to the legislature the amount of money received under the provisions of this act, during the preceding year, and the manner in which the same has been appropriated particularly.

SEC. 5. It shall be the duty of the said superintendents to provide for the maintenance and support of such of the persons for whom commutation money shall have been paid as aforesaid, and shall appropriate the moneys aforesaid for that purpose, in such manner as to indemnify, as far as may be, the several cities, towns and counties of this State for any expense or charge which may be incurred for the maintenance and support of the persons aforesaid; such appropriation shall be in proportion to the expenses incurred by said cities, towns, and counties severally for such maintenance and support.

SEC. 6. In case any such person for whom commutation money has been paid as aforesaid, shall, at any time within

three years from the payment of such money, become chargeable upon any city, town or county within this State, it shall be the duty of the said superintendents to provide for the payment of any expenses incurred by any such city, town or county, for the maintenance and support of any such person out of the commutation to be paid as aforesaid, so far as the same will enable them to do so. The said superintendents shall prescribe such rules and regulations as they shall deem proper for the purpose of ascertaining the right and the amount of the claim of any city, town or county, to indemnify under this and the preceding section of this act.

SEC. 7. If any master or commander as aforesaid shall neglect or refuse to give such bond, or pay over such sum of money as is hereinbefore required for commutation money for each and every such person, within twenty-fours after the arrival of such vessel at such port or landing, every such commander, and the owner or owners of such ship or vessel severally and respectively, shall be subject to a penalty of seventy-five dollars for each and every person or passenger, on whose account such master or commander shall have so neglected or refused to give such bond or pay such commutation money, to be sued for in the manner hereinafter provided. (As amended by chap. 116 of 1851.)

SEC. 8. The penalties and forfeitures provided by this act may be sued for and recovered, with costs of suits, by either of the overseers of the poor of the city or town where such money ought to be paid, in the name of the superintendents of the poor of said county, in any court having cognizance thereof, and when recovered shall be applied to the purpose specified in said act. Such superintendents, or overseers of the poor, may also prosecute in their own name any bond, given in pursuance of the second section of this act, whenever the conditions of the same have not been fulfilled. (As amended by chap. 116 of 1851.)

SEC. 9. Any ship or vessel whose master or commander, owner or owners, shall have incurred any penalty or forfeiture under the provisions of this act, shall be liable for such penalties or forfeitures, which shall be a lien upon such ship or vessel, and may be enforced and collected by warrant of attachment in the same manner as is provided in title eight of chapter eight, of the third part of the Revised Statutes, all the provisions of which title shall apply to the forfeitures and penalties imposed by this act, and the said superintendents shall, for the purpose of such attachment, be deemed creditors of such

ship or vessel, and of her master or commander, and owner or owners respectively.

SEC. 10. This act shall take effect immediately.

AN ACT to amend the act entitled "An act concerning passengers arriving at the ports of entry and landings in this State, and to repeal the act amendatory thereof, passed April 11, 1849." [Passed April 9, 1851—Chapter 116, page 222.]

[Sections 1, 2, 3, and 4 amend sections 1, 2, 7, and 8 of chapter 431 of 1847.]

SEC. 6. This act shall take effect immediately.

AN ACT for the protection of emigrant passengers arriving at the city of New York. [Passed April 13, 1853.]

SEC. 1. The owner or owners, consignee or consignees, master, commander, or person having charge of any ship or vessel arriving at the port of New York with passengers emigrating to the United States, shall land all such passengers on some one of the public wharves of the city of New York, excepting, however, such wharves as are owned or rented by or under the control of any steamboat, or railroad, or forwarding company or line.

SEC. 2. No owner or owners, consignee or consignees, master, commander, or person having charge of any such ship or vessel, shall order, permit or allow any such passengers to be taken or removed from such ship or vessel at quarantine or elsewhere, excepting for the purposes of the quarantine regulations as to health, or shall give orders or permit or allow any runner or person on behalf of or connected with any steamboat, railroad or forwarding company or line, or emigrant boarding-house, to solicit or book any such passengers, or to enter or go on board such ship or vessel prior to the landing of such passengers as is provided for in the first section of this act.

SEC. 3. The first and second sections of this act shall apply to the owner or owners, consignee or consignees, master, commander, or persons having charge of any steamboat or other vessel employed for the purpose of conveying any passengers from quarantine.

SEC. 4. Any consignee or consignees, master, commander, or person having charge of any ship, steamboat or vessel, who shall violate any of the provisions of this act, and the owner or owners of such ship, steamboat or vessel, severally and re-

spectively, shall be subject to a penalty of five hundred dollars for each and every violation of any of the provisions of this act, to be sued for and recovered with costs of suit by and in the name of the commissioners of emigration in any court having cognizance thereof; and when recovered, one half of said recovery shall be paid to the person furnishing information and evidence of such violation, and the remainder of such recovery shall be applied and used by such commissioners of emigration for the purposes for which said commissioners are constituted.

SEC. 5. Any ship, steamboat or vessel, whose master, commander, owner or owners shall have incurred any penalty or forfeiture, under the provisions of this act, shall be liable for such penalties or forfeitures, which shall be a lien upon such ship or vessel, and may be enforced or collected by warrant or attachment, in the same manner as is provided in title eight of the third part of the revised statutes, all the provisions of which title shall apply to the forfeitures and penalties imposed by this act; and the said commissioners of emigration shall, for the purpose of such attachment, be deemed creditors of such ship, steamboat or vessel, and of her master or commander and owner or owners respectively.

SEC. 6. Nothing in this act contained shall be construed to prevent the landing of such emigrant passengers from steamboats or other vessels, in the manner provided in the first section of this act, in any case where the ship or vessel from which such passengers are taken shall be unable to come to any such public wharf, provided such steamboat or other vessel shall be employed at their own expense by the owner, consignee, master or person having charge of the ship or vessel from which such passengers are taken, for the purpose of landing the same, in consequence of their inability to bring such ship or vessel to said public wharf; and the provisions of the second section of this act shall apply to such steamboat or other vessel so employed.

SEC. 7. Any person who shall sell, or cause to be sold, a passage ticket, or order for such ticket, to any emigrant passenger, at a higher rate than one and a quarter cent per mile; or shall take pay for any ticket, or order for a ticket, under any false representation as to the class of said ticket, whether emigrant or first class, shall, upon conviction, be deemed guilty of a misdemeanor, and be punished by a fine of two hundred and fifty dollars, and imprisonment in the county jail for not less than sixty days.

SEC. 8. Any person who shall, directly or indirectly, by means of false representations, purchase or receive from any emigrant passenger any passage ticket, or who shall procure or solicit any such passenger, having a passage ticket, to exchange the same for any other passage ticket, or to sell the same and purchase some other passenger ticket, shall be deemed guilty of a misdemeanor; and upon conviction shall be punished by fine and imprisonment.

SEC. 9. Any person who shall sell or dispose of any ticket, or order for ticket or tickets, at a price or for a consideration beyond the highest price advertised for tickets by the company advertising at the highest price, published according to the provisions of this act, or any other law, shall be, upon conviction thereof in any of the courts of this State, deemed guilty of a misdemeanor, and imprisoned therefor in one of the prisons of this State for a term of not exceeding two years.

SEC. 10. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 11. This act shall take effect immediately.

AN ACT to amend the act for the protection of emigrant passengers arriving at the city of New York, passed April 13th, 1853. [Passed July 21st, 1853.]

SEC. 1. Any runner, or person acting for himself, or for and on behalf of or connected with any steamboat, railroad, or forwarding company, or emigrant boarding-house, who shall solicit or book any passengers emigrating to the United States, and arriving at the port of New York, before such passenger shall have left the vessel in which he has so arrived, or who shall enter or go on board any ship or vessel, so arriving with emigrant passengers, prior to the landing of such passengers therefrom, and also any person, company, or corporation having employed such person for the purpose of soliciting and booking such passengers prior to their leaving the vessel in which they may arrive, shall be severally subject to a penalty of one hundred dollars for each offence, to be sued for and recovered in the same manner, and subject to the same provisions of law as enacted in respect to other penalties imposed by the several acts regulating the powers and duties of the commissioners of emigration. Any person violating the provisions of this section may also be indicted for a misdemeanor, which violation shall be held and taken to be a misdemeanor, and he shall, on conviction, be punished by fine not exceeding one hundred dollars, or imprisonment for sixty days.

SEC. 2. In any case of violation of the provisions of this act,

or of the act hereby amended, whenever it shall be made to appear to any court having jurisdiction thereof, upon satisfactory evidence, that such violation was not intentionally committed, or with a view to the profit of the person committing the same, or for or on behalf of some owner, consignee, or other person, nor by any culpable negligence, it shall then be lawful for the said court to remit or compound the penalty for such violation on such terms as may in their judgment be just and equitable to all persons interested in the matter.

SEC. 3. The second section of the act entitled "An act for the protection of emigrant passengers arriving at the city of New York," passed April 13, 1853, shall be amended so as to read as follows:

SEC. 2. No owner or owners, consignee or consignees, master, commander, or person having charge of any such ship or vessel, shall order any such passengers to be taken or removed from such ship or vessel, at quarantine or elsewhere, excepting for the purpose of quarantine regulations as to health, or shall give orders, or permit, or allow any runner or person on behalf of, or connected with, any steamboat, railroad, or forwarding company or line, or emigrant boarding-house, to solicit or book any such passengers, or to enter or go on board such ship or vessel, prior to the landing of such passenger, as is provided for in the first section of this act.

SEC. 4. Nothing in this act, or the act hereby amended, shall be taken or construed to prevent any passenger arriving at the port of New York, and not detained under the authority of the laws for the preservation of public health, from leaving the vessel in which he so arrives, whenever and in any way he shall prefer, upon his personal request, or demand so to do, to the commander of such vessel.

SEC. 5. All acts and parts of acts inconsistent with the pro visions of this act, are hereby repealed.

SEC. 6. This act shall take effect immediately.

PENNSYLVANIA.

AN ACT for establishing the office of a Register of all German passengers who shall arrive at the port of Philadelphia, and of all indentures by which any of them shall be bound servants for their freight, and of the arguments of such servants in the city of Philadelphia.

SEC. 1. *Whereas*, by several acts of Assembly of the province of Pennsylvania, all masters of vessels, merchants and others, importing by land or by water any man or woman passengers or servants, are obliged, within the space of twenty-four hours after their arrival, to make entry, and give, or cause to be given, upon oath or affirmation, to the officer for that purpose appointed, a true and just account of all the names of the servants and passengers so imported, which account the said officer should duly enter with the mayor of the city of Philadelphia, if such passengers were designed to be landed at Philadelphia; and that the said mayor should examine into the character and circumstances of such servants and passengers and grant certificates, containing the names of all the servants or passengers which he should judge fit to be landed. And that every indenture whereby any such German passenger should be bound to serve his or her master or mistress should be acknowledged before the mayor or a recorder of the city of Philadelphia, and to keep an exact record thereof, clearly expressing the province, county, city, borough or township wherein such master or mistress resides, and that the said mayor and recorder in the said city should in like manner keep a record of the assignments of servants, therein expressing the places of the assignee's abode.

SEC. 2. *And whereas*, since the change of the government of Pennsylvania, the offices of mayor and recorder of the city of Philadelphia have been vacated, and the justices of the peace of the said city, collectively, or any three of them, by an act of this commonwealth,* are empowered to do and perform certain special matters and things, formerly directed to be done and performed by the mayor, recorder and aldermen of the said city, but no provision has been hitherto made by law for registering the names of the German passengers who shall arrive at the port of Philadelphia, and taking the acknowledgment of the indentures of such passengers as shall or may bind themselves servants for their freight. *And whereas*, reason and justice require that the officer, who is to execute so important

*Act of 14th March, 1777—chap. 735

a trust for foreigners, should be fully acquainted with their language, and able to converse with them:

SEC. 3. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That an office for registering all German passengers, who at any time hereafter shall arrive at the port of Philadelphia, and the execution of all such indentures, by which any of such passengers shall bind him or herself servants for their freight, shall be and is hereby established; and that a person, understanding and speaking the English and German languages with ease and propriety, an inhabitant of the said city, in confidence and reputation with the public for his integrity and discretion, shall from time to time be appointed and commissioned by the president and vice-president in council, and, being duly sworn to the true and faithful performance of the several duties required of him by this act, before the chief justice or any one of the judges of the supreme court of this State, shall be the register of German passengers arriving in the port of Philadelphia, and exercise all the powers and authorities of a justice of the peace for the city and county of Philadelphia, as far as the same shall be required for the support and efficacy of his office, and the laws respecting the importation of German passengers, and binding them out servants, and not otherwise. And that the health officer, having received from the captain of any vessel importing German passengers the list of their names, shall, with his German interpreter, receive all the said passengers on board, men, women and children, and enquire whether any of them are superannuated, impotent, or otherwise likely to become chargeable to the public, and make report thereof in writing to the said register, who, if he approves thereof, shall enter the same in a book for that purpose to be kept by him, and transmit the original thereof to the office of the secretary of the supreme executive council, and give his order and license to land such of them as are returned sound, without any defect in mind and body.

SEC. 4. *And be it further enacted by the authority aforesaid,* That all indentures of such German passengers, men, women and children, by which they shall be bound to serve, and all assignments of servants made within the said city, shall be made and acknowledged before the said register, or his lawful deputy, and by him certified, and the full contents thereof entered and registered in the same manner, and to the same effect as servants' indentures and assignments of servants were here-

tofore by law made and acknowledged before the mayor of the city of Philadelphia, and by him registered, and that all persons whom it may concern shall be entitled to have a copy or abstract of said register.

SEC. 5. *And be it further enacted by the authority aforesaid,* That the fees of the said register shall be the same as were usually taken by the mayor of the said city, until it shall be otherwise provided by act of assembly. (Passed 8th of April, 1785. Recorded in Law Book No. 2, p. 522.)

AN ACT to prevent the importation of convicts into this Commonwealth.

SEC. 1. *Whereas,* it hath been represented to this house by the United States in Congress assembled, that a practice prevails of importing felon convicts into this State, under various pretences, which said felon convicts, so imported, have been sold and dispersed among the people of this State, whereby much injury hath arisen to the morals of the same, and others have been greatly endangered in their lives and property: for remedy whereof,

SEC. 2. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That, from and after the first day of May next, no captain or master of any vessel, or any other person or persons, shall knowingly or willingly import, bring or send, or cause or procure to be imported, brought or sent, or be aiding or assisting therein, into this commonwealth, by land or water, any felon convict, or person under sentence of death, or any other legal disability incurred by a criminal prosecution, or who shall be delivered or sent to him or her from any prison, or place of confinement in any place out of the United States.

SEC. 3. *And be it further enacted by the authority aforesaid,* That every captain or master of a vessel, or any other person, who shall, as aforesaid, import, bring or send, or cause or procure to be imported, brought or sent, or be aiding and assisting therein, into this commonwealth, by land or water, or who shall, as factor or agent of the person or persons so offending, or as consignee, sell, or offer for sale, any such person as above described, knowing him or her so to be, shall suffer three months' imprisonment, without bail or mainprize, and shall forfeit and pay, over and beyond the costs of prosecution, for every such person so brought, imported or sent, or caused or procured so to be, or sold or offered for sale, fifty pounds, law-

ful money of Pennsylvania, one half thereof to the commonwealth, and the other half to him or her who shall sue or prosecute for the same, which said penalty shall be recovered by action of debt, or information, in any court of record; and the defendant, or person sued, or implicated therefor, shall be ruled to give special bail, in like manner, and under the same rules, as is usual in actions of debt founded on contract.

SEC. 4. *And be it further enacted by the authority aforesaid,* That every person who shall offend against this act, or any thing herein contained, shall, on conviction thereof, be adjudged and ordered to enter into a recognizance, with sufficient sureties to convey and transport, within such reasonable time as shall be ordered and directed by the court, to some place or places, without the bounds, limits, and jurisdiction of the United States, every such felon, convict, or other person of the description aforesaid, which he or she shall have been convicted of having brought, imported or sent, or having been aiding or assisting therein, into this commonwealth, against the true intent and meaning of this act, or of having so as aforesaid sold, or offered for sale; and in default of entering into such recognizance, with sufficient sureties, as aforesaid, he or she shall be committed to gaol, there to remain without bail or mainprize, until he or she shall enter into such recognizance, with such sureties, as aforesaid, or until he or she shall cause every such person so as aforesaid by him or her imported, brought or sent, or that he or she shall have been aiding or assisting in the importing, bringing or sending, into this commonwealth, against the true intent and meaning of this act, or that he or she shall have been convicted of having so as aforesaid sold, or offered for sale. (Passed 27th March, 1789. Recorded in Law Book No. 3, p. 497.)

AN ACT concerning the education of German redemptioners, who are minors.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That all masters or mistresses of German redemptioners who are minors, and who shall arrive at the port of Philadelphia after the passing of this act, shall give to the said redemptioner six weeks' schooling for every year of his or her term of servitude. And it shall be the duty of the register of German passengers to insert the same fully in their indentures. (Passed 19th March 1810. Recorded in Law Book No. 12, p. 97.)

AN ACT for regulating the importation of German and other passengers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That every master or captain of any ship or vessel importing passengers into this commonwealth shall give or cause to be given unto each of such passengers a bill of lading in the common form, for all such goods, wares and merchandize belonging to such passengers, respectively, as they require no access to during the voyage, and shall be put into the hold of the same ships or vessels respectively in which they are respectively passengers, or in any other ship or vessel, by the master, captain or merchant hired to carry the goods, wares and merchandize of such persons; but for all such goods, wares and merchandize as the passengers respectively shall have between decks in their own charge, the master or captain shall not be obliged to give bills of lading, or be answerable for any loss, damage or embezzlement thereof. And if any master or captain shall refuse or neglect to give a bill of lading in the cases hereinbefore directed, he shall, for each and every offence, forfeit and pay the sum of one hundred dollars, to be recovered and appropriated as is hereinafter provided and directed.

SEC. 2. *And be it further enacted by the authority aforesaid,* That every passenger brought in any ship or vessel into this commonwealth, as aforesaid, on paying or tendering to the master, captain, owner or consignee of such ship or vessel his or her freight, if a single person, and also if married or having children, the freight of his or her family, the full sum for which he or she agreed in Europe, either in the coin or specie in his or her contract mentioned, or in lawful money of the United States equivalent thereto, and the fee of one dollar, as is provided in the twenty-first section of the health law of the port of Philadelphia, shall be immediately discharged from such ship or vessel, and all his or her goods, wares and merchandize on board thereof, to him or her, in good order delivered on shore without any further cost or charge of landing them; and any master, captain, owner or consignee refusing to accept such tender, and to put on shore the person by whom or on whose behalf the tender was made, with all his or her goods, wares and merchandize, as aforesaid, shall for each and every offence forfeit and pay the sum of fifty dollars, to be recovered and appropriated as is hereinafter provided and directed; and, moreover, shall be liable to be sued by the injured

party in action of trover and conversion, or of false imprisonment, as the case may require; but it shall and may be lawful for the master, captain, owner or consignee of any ship or vessel, importing passengers into this commonwealth, as aforesaid, to keep and detain any such passengers, who are unable to pay their freight on board the same ship or vessel wherein they were respectively imported, for the space of thirty days next after their arrival opposite to the city of Philadelphia, in order that they may have time to find out relations or friends who may discharge their freight, or to agree with some person or persons who shall be willing to pay the same in consideration of their servitude, for a term of years, agreeably to custom; and every indenture, whereby any such passenger shall be bound to serve his or her master or mistress, shall be acknowledged before the mayor of the city of Philadelphia, or in case of German passengers, before the register of German passengers, according to law; but no master, captain, owner or consignee of any ship or vessel shall separate any husband and wife, who came passengers in any such ship or vessel, by disposing of them to different masters or mistresses, unless by mutual consent of such husband and wife; nor shall any passenger, without his or her consent, be disposed of to any person residing out of this commonwealth, under the penalty of one hundred dollars for each and every offence, to be recovered and appropriated as is hereinafter provided and directed; and moreover, every indenture in such case made without the mutual consent of the husband and wife, as aforesaid, shall be void, and the master or captain of such ship or vessel shall, during the term of thirty days, well and sufficiently provide, for each and every passenger so retained and kept on board, good and wholesome meat and drink, and other necessaries and accommodations, at the proper cost and charge of the owner of such ship or vessel; but if any passenger shall continue on board any such ship or vessel after the expiration of the aforesaid term, the master or captain thereof shall provide for such passengers, at their cost and charge respectively, all necessaries and accommodations, as aforesaid, to be added to the accounts of such passengers respectively, and recovered with their freights, and shall remove on shore all sick persons whose diseases are not pestilential or contagious, and women, near the time of labor, to some convenient house, without delay, and there provide them with necessary accommodations and nursing, the expense whereof shall be charged to such passengers respectively, to be added to and recovered with their freights. If, however, there shall be any

sick persons on board of any such ship or vessel who cannot be removed without danger, the master or captain may and shall make as convenient accommodation on board the ship or vessel for such sick persons as circumstances will admit of, or as the health officer and port physician, upon application or complaint to them made, shall order and direct.

SEC. 3. *And be it further enacted by the authority aforesaid*, That if any ship or vessel with passengers as aforesaid shall arrive or continue at the port of Philadelphia after the first day of December in any year, the captain, master, owner or consignee of such ship or vessel shall at his or their own proper cost and charge, under the penalty of five hundred dollars, to be recovered and appropriated as hereinafter provided, remove on shore the said passengers to some convenient house, and there provide them with fuel and good and wholesome meat, drink and other necessaries and accommodations; the expense of the meat and drink, after the expiration of thirty days, to be charged to such passengers respectively, to be added to and recovered with their freights.

SEC. 4. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the captain or master of any ship or vessel importing German passengers, within fifteen days after his arrival at the port of Philadelphia, to report to the register of German passengers the names and ages of all passengers who may have died during the voyage, and also those who may have died after their arrival and before their discharge from such ship or vessel; and every captain or master, failing to comply with the provisions of this section, shall forfeit and pay the sum of three hundred dollars, to be recovered and appropriated as hereinafter provided.

SEC. 5. *And be it further enacted by the authority aforesaid*, That from the time any ship or vessel shall have put to sea, all the goods, wares and merchandize of the passengers aforesaid on board thereof, who have not paid for their passages at the place from whence they sailed, shall stand a lawful pledge for the freight-money of such passengers, until the same shall be fully paid and satisfied.

And it shall be lawful for the master, captain, owner or consignee of any such ship or vessel, at any time after thirty days from the arrival of such passengers within this commonwealth, to apply to any two aldermen or justices of the peace for the city or county where such passengers shall be landed, for an execution against the goods, wares and merchandize of such passengers, and the said aldermen or justices are hereby em-

powered and required to issue a summons directed to a constable of the place where the defendant liveth, to summon such defendant to appear before them on some certain day therein to be expressed, not less than five nor exceeding eight days from the date of such process, to show cause why such execution shall not be granted; and at the time appointed the said aldermen or justices, having heard the allegations and proofs of the parties, shall give judgment thereon, or at the request of either of the parties shall appoint auditors, or if the defendant cannot be found or doth not appear, give judgment for the freight-money that shall appear to be due, and award execution against the goods, wares and merchandize of such defendant, with such costs of suit as are by law allowed on the recovery of debts of equal amount. And the master, captain, owner or consignee of any ship or vessel, importing passengers as aforesaid, permitting any such passengers to go on shore from such ship or vessel, and retaining either on board, or in some store or other place on shore, all or any of the goods, wares and merchandize belonging to such passengers, for security of the payment of their freights respectively as aforesaid, shall be obliged under the penalty of fifteen dollars, to be recovered and appropriated as is hereinafter provided and directed, to give to such passengers respectively a certificate, specifying the goods, wares and merchandize so retained as aforesaid.

And no master, captain, owner or consignee of any such ship or vessel, or any other person for them or any of them, under any pretence whatever, shall take any bill, bond, note or other specialty or instrument in writing whatsoever, from any such passenger, nor make any contract with any such passenger before or while on ship-board, or after his arrival within this commonwealth, to compel him or her to pay for the freight of another passenger except in the cases hereinbefore mentioned, and all bills, bonds, notes, specialties, instruments and contracts so made and taken, shall be utterly null and void: *Provided always,* That if any such passenger, after having discharged his or her freight, shall be willing to enter into a joint obligation with any other passenger or passengers who shall remain in debt for his, her or their freight, to secure the payment thereof, such obligation shall be good and valid in law.

SEC. 6. *And be it further enacted by the authority aforesaid,* That if any passenger or passengers, redemptioner or redemptioners who shall be plaintiff or plaintiffs in any suit or actions arising out of his, her or their freight or passage, either by a breach or breaches of the contract entered into with him, her

or them, shall require a more speedy determination, in such suit or action, than can be obtained by the common ordinary rules of proceeding in any of the civil courts of this commonwealth, the judges of the said courts, upon application to them made, shall grant to such plaintiff or plaintiffs special courts, and shall proceed to hear and determine the premises according to the course and practice of the said courts, and for the usual fees therein taken: and that in all such suits or actions it shall be optional with the plaintiffs to sue in their own names separately, or jointly in the names of two or more as passengers of the ship or vessel in which they arrived within this commonwealth, any agreement to the contrary notwithstanding.

SEC. 7. *And be it further enacted by the authority aforesaid*, That the master or captain of any ship or vessel taking on board any passenger as aforesaid, to be landed within this commonwealth, who, in the passage hither or soon after shall die, leaving goods, wares and merchandize, money or other effects whatsoever on board, or in the hands and custody of any such master or captain, shall within the term of ten days next after his arrival opposite to the city of Philadelphia, or after the decease of every such passenger, exhibit at the register of wills of the county in which the property is, a true and perfect inventory thereof, to the end that after payment of all just demands which shall be due to the master, captain, owner or consignee of such ship or vessel, the remainder may be committed to the custody of some proper person or persons for the benefit of the wife and children, next of kin, or creditors of the deceased, as the case may require, and the law in such case shall direct. And if any master or captain shall refuse or neglect to exhibit such inventory as aforesaid, he shall, for every such offence, forfeit and pay the sum of five hundred dollars, to be recovered and appropriated as is hereinafter provided and directed. And no master, captain, owner or consignee of any ship or vessel, shall charge the freight of any passenger so dying as aforesaid: *Provided always*, That if any minor child at the time of his or her importation be of such an advanced age, that his or her services, until he or she arrives at the age of twenty-one years, shall not be equal and sufficient to pay and discharge the money due for his or her own freight or passage, then and in such case he or she may be bound to serve for such number of years, not exceeding his or her age of twenty-four years, as the parties may agree, any law, custom or usage to the contrary notwithstanding.

SEC. 8. *And be it further enacted by the authority aforesaid,* That for payment and satisfaction of all forfeitures and penalties which are imposed, and all sums of money directed by this act to be paid by the masters, captains, owners or consignees, as well the ships or vessels respectively, as the masters, captains, owners or consignees thereof, shall be and are hereby declared liable: and it shall be the duty of the register of German passengers to collect, recover and receive the same, and all other forfeitures and penalties imposed, and sums of money directed to be paid by this act; and the same shall be recoverable by indictment or action, before any alderman, justice of the peace or court of justice having lawful jurisdiction to the amount of such forfeitures, penalties and sums of money respectively; and when recovered and received, the same shall be appropriated by the guardians of the poor of the city of Philadelphia, the district of Southwark, and the township of the Northern Liberties, for the use of the poor of said city and districts; and the register of German passengers, for his trouble in collecting and receiving such forfeitures, penalties and sums of money, shall have, receive, and retain a compensation at and after the rate of two and a half per centum on the amount so recovered and received.

SEC. 9. *And be it further enacted by the authority aforesaid,* That all actions or prosecutions to be commenced against any master, captain, owner or consignee of any ship or vessel, or other person, by virtue of this act, shall be brought within two months after the offence shall have been committed, if committed after the arrival of the ship or vessel; and if any action or suit shall be commenced against any person or persons, for any matter or thing done in pursuance of this act, the defendant or defendants may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon.

Passed 7th February, 1818. Recorded in Law Book No. 16, page 450.

NOTE.—By resolution of the 25th of February, 1818, the governor was requested to transmit a copy of this law to the governor of Delaware, with a request, that he would lay the same before the legislature, and invite their co-operation.

Act establishing an office of register of German passengers, (vol. 2, page 328.) Act for their education, (vol. 5, page 113,) to receive six weeks' schooling for every year of the servitude.

Health officer and interpreter to go on board every ship importing German passengers, to examine whether they have

been accommodated agreeably to the direction of the health law. (Chap. 4,483, sec. 21.)

Laws, vol. 1, p. 309, and vol. 3, p. 385, respecting apprentices, extended to redemptioners. (Chap. 4,803.)

ACT relating to the support and employment of the poor. [Passed June 13, 1836.]

If any person shall bring, or cause to be brought, any poor person from any place without this commonwealth to any place within it, where such person was not last legally settled, and there leave, or attempt to leave such person, he shall forfeit and pay the sum of seventy-five dollars for every such poor person, to be sued for and recovered by the overseers of the district, into which such poor person may have been brought; and moreover, shall be obliged to convey such poor person out of the commonwealth, or support him at his own expense. (Section 25.)

ACT to prevent the landing of convicts from foreign countries. [Passed April 15, 1851.]

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall not be lawful for the master or commander of any ship, boat or other vessel arriving from a foreign country, to bring any person, either as a passenger or hand, into any port, city, harbor, or place within this State with intent to land or permit to land such passenger or hand, which passenger or hand shall have been or shall be a foreign convict of any felony which if committed in this State would be punishable therein. Any master, commander or other officer that shall knowingly violate this act shall, on conviction thereof in the court of quarter sessions of the county in which such offence may have been committed, be considered guilty of a misdemeanor, and subject to a fine for each offence of not less than fifty dollars nor more than three hundred dollars, or an imprisonment in the county jail for a space of not less than thirty days or more than one year, as the court may direct.

RHODE ISLAND.

AN ACT for the relief, employment and removal of the poor.

If any master or other person having charge of any vessel shall bring into and land, or suffer to be landed in any place within this State, any person before that time convicted in any other State or in any foreign country of any infamous crime for which he hath been sentenced to transportation, knowing of such conviction or having reason to suspect it; or any person of a notoriously dissolute, infamous and abandoned life and character, knowing him to be such, he shall for every such offence pay as a fine the sum of four hundred dollars, to and for the use of the State; to be recovered by indictment before any court of competent jurisdiction. [Sec. 16.]

The master or any other person having the charge of any vessel arriving at any place within this State with any passengers on board, from any port in any other of the United States, or from any country without the United States, shall, within twenty-four hours after the arrival of such vessel, make report in writing, under his hand, of all such passengers, their names, nation, age, character and condition, so far as shall have come to his knowledge, to the overseer or overseers of the poor of the town at which such vessel shall arrive; and every such master or other person who shall neglect to make such report, or who shall wittingly and wilfully make a false one, shall for each offence forfeit the sum of one hundred dollars; to be sued for and recovered by action of debt by the town treasurer, to and for the use of said town. [Section 17, Revised Statutes.]

SOUTH CAROLINA.

AN ACT for preventing the transportation of convicted malefactors from foreign countries into this State. [Passed November 4, 1788.]

SEC. 1. *Be it enacted, &c.*, That every master or person having charge of any ship or other vessel, who shall hereafter bring into this State any convicted malefactor or person ordered for transportation for any crime or offence whatever, from any foreign country, State, or dominion, the ship or vessel bringing such persons shall be obliged to leave the port

in which she shall arrive, within ten days after arrival, and shall not be permitted to take or receive on board any lading whatever, on pain of forfeiture of such ship or vessel; and if any master shall land, or suffer to be landed, or dispose of the time or service of such person, for the payment of his passage, or any other claim or demand, such master of vessel or other person having the charge thereof shall forfeit and pay for every convicted malefactor or person ordered for transportation, which such master shall bring into this State, and offer to dispose of on indenture, or other contract for service, the sum of five hundred pounds sterling.

SEC. 2. *And be it further enacted, &c.*, That every master of any vessel, or person having charge thereof, who shall bring into this State any passenger or passengers, with intent to dispose of the time of service of such passenger or passengers, for payment of his or their passage money, or any other claim, such master of vessel shall, and he is hereby obliged to deliver, at the time of entering his vessel to the collector of the port where he shall enter, a list of all such persons whom he intends to dispose of for service, and a particular description of each, and the collector shall administer to him the following oath or affirmation, viz:

"I, A. B., do swear (or affirm) in the presence of Almighty God, that the passenger or passengers whom I have brought in my ship or vessel to be disposed of on service for payment of his, her, or their passage, is not, or are not, any of them, convicted malefactors, or persons ordered for transportation for any crime or offence whatever; but on the contrary, are, to the best of my information, belief, and knowledge, of good fame, character and reputation; nor have I brought in my ship or vessel, with intent to be landed in this State, any person or persons whom I have reason to suspect is a convicted malefactor, or has been ordered for transportation for any crime or offence whatever. So help me God."

SEC. 3. *And be it further enacted, &c.*, That if any master of any ship or other vessel shall dispose of any person for service in this State, or shall land and put on shore any passenger suspected to be a convicted malefactor, before such captain or master has made oath as aforesaid, every such captain or master of such vessel shall forfeit and pay the sum of five hundred pounds for every person who shall be disposed of or put on shore contrary to the meaning and intention of this act.

SEC. 4. *And be it further enacted, &c.*, That in case any captain or master of any ship or vessel shall not, after conviction,

be able to pay the penalty inflicted by this act, he shall suffer twelve months' close imprisonment.

SEC. 5. *And be it further enacted, &c.*, That the fines and forfeitures inflicted by this act shall and may be recovered by action of debt, bill, plaint, or indictment, to which any person offending shall be compelled to give security to abide the issue of the suit; a moiety or half part of which forfeiture shall go to the prosecutor who shall inform and sue for the same, and the other moiety or half part for the benefit of the State.

TEXAS.

AN ACT concerning passengers coming to the State of Texas. [Passed February 11, 1850.]

SEC. 1. *Be it enacted by the Legislature of the State of Texas*, That within twenty-four hours after the landing of any passengers from any ship or vessel arriving at any of the ports of Texas, at which there is an incorporated town, from any of the United States, other than this State, or from any country out of the United States, the master or commander of the ship or vessel, from which such passenger or passengers shall have been landed, shall make a report in writing, on oath or affirmation, to the mayor of such incorporated town, or in case of his absence, or other inability to serve, to the persons discharging the duties of his office; which report shall state the name, place of birth, last legal residence, age and occupation, of every person or passenger who shall have landed, or been permitted to land, from such ship or vessel, on her last voyage to said port, not being a citizen of the United States, and who shall have, within the last preceding twelve months, arrived from any country out of the United States, at any port or place in the United States, and who shall not have paid the commutation money, or been bonded according to the provisions of this act; the said report shall contain a like statement of all such persons or passengers as shall have been put or allowed to go on any ship, vessel or boat, with the intention of proceeding to and landing at any place within the limits of the State of Texas. The said report shall further specify, whether any such passengers are lunatic, idiot, deaf, dumb, blind or infirm, and if so whether they are accompanied by relatives likely to be able or willing to support them; and shall further spe-

cify particularly the names, last place of residence, and ages of all passengers who may have died during the said last voyage; also the names and residence of the owner or owners of such vessel. In case any master or commander of such vessel shall omit or neglect to report as aforesaid, any such person or passenger, with the particulars aforesaid, or shall make any false report or statement in respect to any such person or passenger, or in respect to the owner or owners of such vessel, or in respect to all or any of the particulars hereinbefore specified, such master or commander shall forfeit the sum of fifty dollars for every such passenger, in regard to whom such omission or neglect shall have occurred, or any such false report or statement shall be made; for which the owner or owners, consignee or consignees, of every such ship or vessel, shall also be liable jointly and severally, and which may be sued for and recovered before any court of competent jurisdiction.

SEC. 2. It shall be the duty of said mayor, or other person discharging the duties of his office, by an endorsement to be made upon the said report, to require the owner or consignee of the ship or vessel, from which such persons were landed, to give a several bond, payable to the State of Texas, in a penalty of three hundred dollars, for each and every person or passenger included in such report; such bond being secured as hereinafter provided, and conditioned to indemnify and save harmless each and every city, town and county in this State, from any cost for the relief or support of the persons named within the bond, within five years from the date thereof. Each and every bond shall be secured by two or more sufficient sureties, being residents of the county in which it was executed; each of whom shall prove, by oath or otherwise, that he is the owner of real estate, situated in such county, of the value of three hundred dollars, over and above all which is by law exempt from execution and from any claim or lien thereon or against him; including therein any contingent claim, which may accrue from or upon any former bond given under the provisions of this act; or such bond may, at the option of the party, be secured by mortgage of real estate, or by deposit of the amount of the penalty in the treasury of such incorporated city or town. It shall be lawful for any owner or consignee, at any time within three days after the landing of such persons or passengers, to commute for the bond or bonds so required, by paying to the collector or other proper receiving officer of such incorporated city or town, the sum of one dollar for every passenger reported by him, as by law required; the receipt of which sum shall be

deemed a full and sufficient discharge from the requirements of giving bonds as above provided; the said collector or other officer is required to pay the said money with an account thereof, into the treasury of the corporation of the city or town, for the support and benefit of the hospital thereof.

SEC. 3. If any person for whom a bond shall have been given as aforesaid, shall, within the time specified in such bond, become chargeable upon any city, town or county of this State, or any of the citizens thereof, other than the relatives of such person, the mayor, aldermen, and inhabitants of such incorporated city or town, may bring an action upon such bond, in the name of the State of Texas, and shall be entitled to recover on such bond, from time to time, so much money, not in the whole exceeding the penalty of such bond exclusive of costs, as shall be sufficient to defray the expenses incurred by any such city, town or county, for the maintenance and support of the person for whom such bond was given as aforesaid; and shall be authorized to collect and apply such money, from any of the real or other security mortgaged, pledged or deposited therefor, in conformity with this act.

SEC. 4. If any owner or consignee, as aforesaid, shall refuse or neglect to give any such bond or bonds and security therefor, as required in this act, within three days after the landing of such persons or passengers, or shall not, within that time, have paid the moneys authorized to be received, in cases where such bonds are authorized to be commuted for, every such owner or consignee of such ship or vessel, severally and respectively, shall be subject to a penalty of five hundred dollars, for each and every person or passenger on whose account such bond may have been required, or for whom such commutation money might have been paid under this act; such penalty to be sued for and recovered in any court of competent jurisdiction.

SEC. 5. The penalties and forfeitures prescribed in and by this act may be sued for in the name of the State of Texas, and recovered with costs of suit, in any court having cognizance thereof; and when recovered shall be applied to the support of the hospital or hospitals, or other means provided for the maintenance of destitute, sick, infirm, lunatic, idiot, deaf, dumb or blind persons, or others who may properly become a public charge to the city or town at which any such penalties or forfeitures may have occurred.

VERMONT.

If any person shall transport any poor and indigent person, from any place without this State, to any town within this State, wherein such pauper is not lawfully settled, or aid therein, with intent to make such town chargeable with his support, he shall incur the forfeiture and liabilities imposed by the preceding section—[viz: a sum not exceeding five hundred dollars.] (Sec. 26, Revised Statutes—chap. 16.)

VIRGINIA.

If a master of a vessel or other person, knowingly, import or bring into the State, from any place out of the United States, any person convicted of crime, or any slave sold and transported beyond the limits of this State for crime, he shall be confined in jail for three months, and be fined one hundred dollars. [Sec. 39, Code of Virginia, title 54—chap. 198.]

EXTRACTS

FROM THE

CONSTITUTIONS OF THE SEVERAL STATES

IN RELATION TO THE

RIGHT OF SUFFRAGE.

MAINE.

ART. II.—Sec. 1. Every male citizen of the United States, of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for Governor, senators, and representatives, in the town or plantation where his residence is so established, and the elections shall be by written ballot. But persons in the military, naval, or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack, or military place, in any town or plantation: nor shall the residence of a student at any seminary of learning entitle him to the right of suffrage in the town or plantation where such seminary is established.

2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

3. No elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

4. The election of Governor, senators, and representatives shall be on the second Monday of September annually for ever.

NEW HAMPSHIRE.

Every male inhabitant of each town, and parish with town privileges, and places unincorporated, in this State, of twenty-one years of age and upwards, excepting paupers, and persons excused from paying taxes at their own request, shall have a right at the annual or other meetings of the inhabitants of said towns and parishes, to be duly warned and holden annually forever in the month of March, to vote in the town or parish wherein he dwells, for the senators of the county or district whereof he is a member.

Provided, nevertheless, That no person shall be capable of being elected a senator, who is not of the protestant religion and seized of a freehold estate, in his own right, of the value of two hundred pounds, lying within this State, who is not of the age of 30 years, and who shall not have been an inhabitant of this State for seven years immediately preceding his election, and at the time thereof he shall be an inhabitant of the district for which he shall be chosen.

And every person, qualified as the Constitution provides, shall be considered an inhabitant for the purpose of electing and being elected into any office or place within this State, in the town, parish, and plantation where he dwelleth and hath his home.

And the inhabitants of plantations and places unincorporated, qualified as this Constitution provides, who are or shall be required to assess taxes upon themselves towards the support of government, or shall be taxed therefor, shall have the same privilege of voting for senators in the plantations and places wherein they reside, as the inhabitants of the respective towns and parishes aforesaid have. And the meeting of such plantations and places for that purpose shall be holden annually, in the month of March, at such places respectively therein as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns by this Constitution.

The meetings for the choice of Governor, Council and senators shall be warned, by warrant, from the selectmen, and governed by a moderator, who shall, in the presence of the selectmen, (whose duty it shall be to attend,) in open meeting, receive the votes of all the inhabitants of such towns and parishes present, and qualified to vote for senators; and shall in said meetings, in presence of the said selectmen and of the

town clerk, in said meeting, sort and count the said votes, and make a public declaration thereof, with the name of every person voted for, and the number of votes for each person: and the town clerk shall make a fair record of the same at large, in the town book, and shall make out a fair attested copy thereof, to be by him sealed up and directed to the Secretary of the State, with a superscription expressing the purport thereof: and the said town clerk shall cause such attested copy to be delivered to the sheriff of the county in which such town or parish shall lie, forty days at least before the first Wednesday in June; or to the Secretary of the State at least thirty days before the said first Wednesday in June; and the sheriff of each county, or his deputy, shall deliver all such certificates by him received, into the Secretary's office, at least thirty days before the first Wednesday in June.

All persons qualified to vote in the election of senators shall be entitled to vote, within the district where they dwell, in the choice of representatives. Every member of the House of Representatives shall be chosen by ballot; and, for two years at least next preceding his election, shall have been an inhabitant of this State; shall have an estate within the district which he may be chosen to represent, of the value of one hundred pounds, one-half of which to be a freehold, whereof he is seized in his own right; shall be, at the time of his election, an inhabitant of the district he may be chosen to represent; shall be of the protestant religion, and shall cease to represent such town, parish, or place, immediately on his ceasing to be qualified as aforesaid.

And the qualifications of electors of the Governor shall be the same as those for senators; and if no person shall have a majority of votes, the Senate and House of Representatives shall, by joint ballot, elect one of the two persons having the highest number of votes, who shall be declared Governor.

VERMONT.

SEC. 21. Every man of the full age of twenty-one years, having resided in this State for the space of one whole year next before the election of representatives, and is of a quiet and peaceable behavior, and will take the following oath or affirmation, shall be entitled to all the privileges of a freeman of this State:

"You solemnly swear (or affirm) that whenever you give your vote of suffrage, touching any matter that concerns the State of Vermont, you will do it so as in your conscience you shall judge will most conduce to the best good of the same, as established by the Constitution, without fear or favor of any man."

34. All elections, whether by the people or the Legislature, shall be free and voluntary; and any elector, who shall receive any gift or reward for his vote, in meat, drink, moneys, or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as the law shall direct; and any person who shall, directly or indirectly, give, promise, or bestow, any such rewards, to be elected, shall thereby be rendered incapable to serve for the ensuing year, and be subject to such further punishment as a future Legislature shall direct.

39. Every person of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer land or other real estate; and, after one year's residence, shall be deemed a free denizen thereof, and entitled to all rights of a natural born subject of this State, except that he shall not be capable of being elected Governor, Lieutenant-Governor, Treasurer, counselor, or representative in Assembly until after two years' residence.

Amendment adopted June 26, 1828.—Art. 1. No person, who is not already a freeman of this State, shall be entitled to exercise the privilege of a freeman, unless he be a natural-born citizen of this, or some one of the United States, or until he shall have been naturalized agreeably to the acts of Congress.

MASSACHUSETTS.

SEC. 3.—Art. 4. Every male person (being twenty-one years of age, and resident of any particular town in this commonwealth, for the space of one year next preceding) having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative, or representatives, for the said town.

Amendment.—Art. 3. Every male citizen of twenty-one years of age, and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the commonwealth

one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of Governor, Lieutenant-Governor, senators, representatives; and who shall have paid, by himself or his parent, master or guardian, any State or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth: and also every citizen, who shall be by law exempt from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of Governor, and Lieutenant-Governor, senators, and representatives; and no other person shall be entitled to a vote in such election.

RHODE ISLAND.

SEC. 1. Every male citizen of the United States, of the age of twenty-one years, who has had his residence and home in this State for one year, and in the town or city in which he may claim a right to vote, six months next preceding the time of voting, and who is really and truly possessed in his own right of real estate in such town or city of the value of one hundred and thirty-four dollars over and above all incumbrances, or which shall rent for seven dollars per annum over and above any rent reserved or the interest of any incumbrances thereon, being an estate in fee simple, fee tail, for the life of any person, or an estate in reversion or remainder, which qualifies no other person to vote, the conveyance of which estate, if by deed, shall have been recorded at least ninety days, shall thereafter have a right to vote in the election of all civil officers, and on all questions in all legal town or ward meetings, so long as he continues so qualified. And if any person herein before described shall own any such estate within this State out of the town or city in which he resides, he shall have a right to vote in the election of all general officers and members of the General Assembly in the town or city in which he shall have had his residence and home for the term of six months next preceding the election, upon producing a certificate from the clerk of the town or city in which his estate lies, bearing date within ten days of the time of his voting, setting forth that such person has a sufficient estate therein to qualify him as a voter; and that the deed, if any, has been recorded ninety days.

2. Every male native citizen of the United States, of the age

of twenty-one years, who has had his residence and home in this State two years, and in the town or city in which he may offer to vote six months next preceding the time of voting, whose name is registered pursuant to the act calling the convention to frame this Constitution, or shall be registered in the office of the clerk of such town or city at least seven days before the time he shall offer to vote, and before the last day of December in the present year; and who has paid or shall pay a tax or taxes assessed upon his estate within this State, and within a year of the time of voting, to the amount of one dollar, or who shall voluntarily pay at least seven days before the time he shall offer to vote, and before said last day of December, to the clerk or treasurer of the town or city where he resides, the sum of one dollar, or such sum as with his other taxes shall amount to one dollar, for the support of public schools therein, and shall make proof of the same, by the certificate of the clerk, treasurer or collector of any town or city where such payment is made: or who, being so registered, has been enrolled in any military company in this State, and done military service or duty therein, within the present year, pursuant to law, and shall, (until other proof is required by law,) prove by the certificate of the officer legally commanding the regiment, or chartered, or legally authorized volunteer company in which he may have served or done duty, that he has been equipped and done duty according to law, or by the certificate of the commissioners upon military claims, that he has performed military service, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings, until the end of the first year after the adoption of this Constitution, or until the end of the year eighteen hundred and forty-three.

From and after that time, every such citizen who has had the residence herein required, and whose name shall be registered in the town where he resides, on or before the last day of December, in the year next preceding the time of his voting, and who shall show by legal proof that he has, for and within the year next preceding the time he shall offer to vote, paid a tax or taxes assessed against him in any town or city in this State, to the amount of one dollar, or that he has been enrolled in a military company in this State, been equipped and done duty therein, according to law, and at least for one day during such year, shall have a right to vote in the election of all civil officers, and on all questions in all legally organized town or ward meetings: Provided, that no person shall at any time be

allowed to vote in the election of the city council of the city of Providence, or upon any proposition to impose a tax, or for the expenditure of money in any town or city, unless he shall within the year next preceding have paid a tax, assessed upon his property therein, valued at least at one hundred and thirty-four dollars.

3. The assessors of each town or city, shall annually assess upon every person whose name shall be registered, a tax of one dollar, or such sum as with his other taxes shall amount to one dollar, which registry tax shall be paid into the treasury of such town or city, and be applied to the support of public schools therein: But no compulsory process shall issue for the collection of any registry tax: Provided, that the registry tax of every person who has performed military duty according to the provisions of the preceding section, shall be remitted for the year he shall perform such duty; and the registry tax assessed upon any mariner, for any year while he is at sea, shall, upon his application, be remitted; and no person shall be allowed to vote whose registry tax for either of the two years next preceding the time of voting is not paid or remitted as herein provided.

4. No person in the military, naval, marine, or any other service of the United States, shall be considered as having the required residence by reason of being employed in any garrison, barrack or military or naval station in this State; and no pauper, lunatic, person *non compos mentis*, person under guardianship, or members of the Narragansett tribe of Indians, shall be permitted to be registered or to vote. Nor shall any person convicted of bribery or of any crime deemed infamous at common law, be permitted to exercise that privilege, until he be expressly restored thereto by act of the General Assembly.

5. Persons residing on lands ceded by this State to the United States shall not be entitled to exercise the privilege of electors.

6. The General Assembly shall have full power to provide for a registry of voters, to prescribe the manner of conducting the elections, the form of certificates, the nature of the evidence to be required in case of a dispute as to the right of any person to vote, and generally to enact all laws necessary to carry this article into effect, and to prevent abuse, corruption, and fraud in voting.

CONNECTICUT.

SEC. 1. All persons who have been, or shall hereafter, previous to the ratification of this Constitution, be admitted freemen according to the existing laws of this State, shall be electors.

2. Every white male citizen of the United States, who shall have gained a settlement in this State, attained the age of twenty-one years, and resided in the town in which he may offer himself to be admitted to the privilege of an elector, at least six months preceding, and have a freehold estate of the yearly value of seven dollars, in this State; or having been enrolled in the militia, shall have performed military duty therein, for the term of one year next preceding the time he shall offer himself for admission, or being liable thereto, shall have been, by authority of law, excused therefrom; or shall have paid a State tax within the year next preceding the time he shall present himself for such admission, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

3. The privileges of an elector shall be forfeited, by a conviction of bribery, forgery, perjury, duelling, fraudulent bankruptcy, theft, or other offence, for which an infamous punishment is inflicted.

4. Every elector shall be eligible to any office in this State, except in cases provided for in this Constitution.

5. The selectmen and town clerk of the several towns shall decide on the qualifications of electors, at such times, and in such manner, as may be prescribed by law.

6. Laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct.

7. In all elections of officers of the State, or members of the General Assembly, the votes of the electors shall be by ballot.

8. At all elections of officers of the State, or members of the General Assembly, the electors shall be privileged from arrest during their attendance upon, and going to and returning from, the same, on any civil process.

9. The meetings of the electors for the election of the several State officers, by law annually to be elected, and members of the General Assembly of this State, shall be holden on the first Monday of April in each year.

Amendment adopted October, 1845.—Every white male citizen of the United States who shall have attained the age of

twenty-one years, who shall have resided in this State for a term of one year next preceding, and in the town in which he may offer himself to be admitted to the privileges of an elector, at least six months next preceding the time he may so offer himself, and shall sustain a good moral character, shall, on his taking such oath as may be prescribed by law, be an elector.

Amendment of 1855.—That every person shall be able to read any article of the Constitution, or any section of the statutes of the State, before being admitted as an elector.

NEW YORK.

SEC. 1. Every male citizen of the age of twenty-one years, who shall have been a citizen for ten days, and an inhabitant of this State one year next preceding any election, and for the last four months a resident of the county where he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; but such citizen shall have been for thirty days next preceding the election, a resident of the district from which the officer is to be chosen for whom he offers his vote. But no man of color, unless he shall have been for three years a citizen of this State, and for one year next preceding any election shall have been seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated, and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid.

2. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery, or larceny, or of any infamous crime; and for depriving every person who shall make, or become directly or indirectly interested in any bet or wager depending upon the result of any election, from the right to vote at such election.

3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any

alms-house, or other asylum, at public expense; nor while confined in any public prison.

4. Laws shall be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established.

5. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

NEW JERSEY.

SEC. 1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State one year, and of the county in which he claims his vote five months, next before the election, shall be entitled to vote for all officers that now are, or hereafter may be, elective by the people; *provided*, that no person in the military, naval, or marine service of the United States shall be considered a resident in this State, by being stationed in any garrison, barrack, or military or naval place or station within the State; and no pauper, idiot, insane person, or person convicted of a crime which now excludes him from being a witness, unless pardoned and restored by law to the right of suffrage, shall enjoy the right of an elector.

2. The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of bribery at elections.

PENNSYLVANIA.

SEC. 1. In elections by the citizens, every white freeman of the age of twenty-one years, having resided in this State one year, and in the election district where he offers to vote ten days immediately preceding such election, and within two years paid a State or county tax, which shall have been assessed at least ten days before the election, shall enjoy the rights of an elector. But a citizen of the United States, who had previously been a qualified voter of this State, and removed therefrom and returned, and who shall have resided in the election district, and paid taxes as aforesaid, shall be entitled to vote, after residing in the State six months: Provided, that white freemen, citizens of the United States, between the ages of

twenty-one and twenty-two years, and having resided in the State one year, and in the election district ten days as aforesaid, shall be entitled to vote, although they shall not have paid taxes.

2. All elections shall be by ballot, except those by persons in their representative capacities, who shall vote viva voce.

3. Electors shall in all cases, except treason, felony, and breach of surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning from them.

DELAWARE.

SEC. 1. [All elections for Governor, senators, representatives, sheriffs, and coroners, shall be held on the second Tuesday of November, and be by ballot: and in such elections every free white male citizen of the age of twenty-two years or upwards, having resided in the State one year next before the election, and the last month thereof in the county where he offers to vote, and having within two years next before the election paid a county tax, which shall have been assessed at least six months before the election, shall enjoy the right of an elector; and every free white male citizen of the age of twenty-one years, and under the age of twenty-two years, having resided as aforesaid, shall be entitled to vote without payment of any tax: Provided, that no person in the military, naval, or marine service of the United States shall be considered as acquiring a residence in this State, by being stationed in any garrison, barrack, or military or naval place or station within this State; and no idiot, or insane person, or pauper, or person convicted of a crime deemed by law felony, shall enjoy the right of an elector; and that the Legislature may impose the forfeiture of the right of suffrage as a punishment for crime.]

2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from an arrest during their attendance at elections, and in going to and returning from them.

MARYLAND.

SEC. 1. Every free white male person of twenty-one years of age or upwards, who shall have been one year next pre-

ceding the election a resident of the State, and for six months a resident of the city of Baltimore, or of any county in which he may offer to vote, and being at the time of the election a citizen of the United States, shall be entitled to vote in the ward or election district in which he resides, in all elections hereafter to be held; and at all such elections the vote shall be taken by ballot. And in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressmen, Senator, delegate, or other officer or officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote, for six months next preceding the election; but a person who shall have acquired a residence in such county or city entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

2. That if any person shall give, or offer to give, directly or indirectly, any bribe, present or reward, or any promise, or any security for the payment or delivery of money or any other thing, to induce any voter to refrain from casting his vote, or forcibly to prevent him in any way from voting, or to obtain or procure a vote for any candidate or person proposed or voted for, as elector of President and Vice-President of the United States, or Representative in Congress, or for any office of profit or trust created by the Constitution or laws of this State, or by the ordinances or authority of the Mayor and City Council of Baltimore, the person giving or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote, knowing it to be so, at any election to be hereafter held in this State, shall, on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

3. It shall be the duty of the General Assembly of Maryland to pass laws to punish with fine and imprisonment any person who shall remove into any election district or ward of the city of Baltimore, not for the purpose of acquiring a *bona fide* residence therein, but for the purpose of voting therein at an approaching election, or who shall vote in any election district or ward in which he does not reside (except in the case provided for in the first article of the Constitution), or shall, at the same election, vote in more than one election district or

ward, or shall vote or offer to vote, in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

4. Every person elected or appointed to any office of profit or trust under the Constitution or laws made pursuant thereto, before he shall enter upon the duties of such office, shall take and subscribe the following oath or affirmation: I, A. B., do swear (or affirm, as the case may be), that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; that I will to the best of my skill and judgment diligently and faithfully, without partiality or prejudice, execute the office of ——— according to the Constitution and laws of this State, and that since the adoption of the present Constitution, I have not, in any manner, violated the provisions thereof in relation to bribery of voters or preventing legal or procuring illegal votes to be given; (and if a Governor, Senator, member of the House of Delegates, or Judge), "that I will not directly or indirectly receive the profits or any part of the profits of any other office during the time of my acting as ———." And if any person elected or appointed to office as aforesaid shall refuse or neglect to take the said oath or affirmation, he shall be considered as having refused to accept the said office, and a new election or appointment shall be made as in case of refusal or resignation; and any person swearing or affirming falsely in the premises, shall, on conviction thereof in a court of law, incur the penalties for wilful and corrupt perjury, and be thereafter incapable of voting at any election, and also incapable of holding any office of profit or trust in this State.

5. That no person above the age of twenty-one years, convicted of larceny or other infamous crime, unless he shall be pardoned by the Executive, shall ever thereafter be entitled to vote at any election in this State, and no person under guardianship as a lunatic, or as a person *non compos mentis*, shall be entitled to vote.

VIRGINIA.

SEC. 1. Every white male citizen of the Commonwealth of the age of twenty-one years, who has been a resident of the State for two years, and of the county, city or town where he offers to vote for twelve months next preceding an election, and no

other person, shall be qualified to vote for members of the General Assembly and all officers elective by the people: but no person in the military, naval or marine service of the United States shall be deemed a resident of this State, by reason of being stationed therein. And no person shall have the right to vote, who is of unsound mind, or a pauper, or a non-commissioned officer, soldier, seaman or marine in the service of the United States, or who has been convicted of bribery in an election, or of any infamous offence.

2. The General Assembly at its first session after the adoption of this Constitution, and afterwards as occasion may require, shall cause every city or town, the white population of which exceeds five thousand, to be laid off into convenient wards, and a separate place of voting to be established in each, and thereafter no inhabitant of such city or town shall be allowed to vote except in the ward in which he resides.

3. No voter during the time for holding any election at which he is entitled to vote, shall be compelled to perform military service, except in time of war or public danger; to work upon the public roads, or to attend any court as suitor, juror or witness: and no voter shall be subject to arrest under any civil process during his attendance at elections, or in going to and returning from them.

4. In all elections votes shall be given openly, or *viva voce*, and not by ballot. But dumb persons, entitled to suffrage, may vote by ballot.

NORTH CAROLINA.

SEC. 7. All freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and possessed of a freehold, within the same county, of fifty acres of land, for six months next before, and at the day of election, shall be entitled to vote for a member of the Senate.

8. All freemen of the age of twenty-one years, who have been inhabitants of any one county within the State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for members of the House of Commons, for the county in which he resides.

9. All persons possessed of a freehold, in any town in this State having a right of representation, and also all freemen,

who have been inhabitants of any such town twelve months next before, and at the day of election, and shall have paid public taxes, shall be entitled to vote for a member to represent such town in the House of Commons: Provided, always, that this section shall not entitle any inhabitant of such town to vote for members of the House of Commons for the county in which he may reside; nor any freeholder in such county, who resides without or beyond the limits of such town, to vote for a member of the said town.

SOUTH CAROLINA.

SEC. 4. Every free white man of the age of twenty-one years, being a citizen of this State, and having resided therein two years previous to the day of election, and who hath a freehold of fifty acres of land, or a town lot, of which he hath been legally seized and possessed, at least six months before such election, or, not having such freehold or town lot, hath been a resident in the election district in which he offers to give his vote, six months before the said election, and hath paid a tax the preceding year of three shillings sterling towards the support of this government, shall have a right to vote for a member or members, to serve in either branch of the Legislature, for the election district in which he holds such property, or is so resident.

5. The returning officer, or any other person present, entitled to vote, may require any person who shall offer his vote at an election, to produce a certificate of his citizenship, and a receipt from the tax collector of his having paid a tax, entitling him to vote, or to swear, or affirm, that he is duly qualified to vote agreeably to this Constitution.

GEORGIA.

SEC. 1. The electors of members of the General Assembly shall be citizens and inhabitants of this State, and shall have attained the age of twenty-one years, and have paid all taxes which may have been required of them, and which they may have had an opportunity of paying, agreeably to law, for the year preceding the election, and shall have resided six months

within the county: Provided, that in case of an invasion, and the inhabitants shall be driven from any county, so as to prevent an election therein, such refugee inhabitants, being a majority of the voters of such county, may meet under the direction of any three justices of the peace thereof, in the nearest county, not in a state of alarm, and proceed to an election, without having paid such tax so required of electors; and the persons elected thereat shall be entitled to their seats.

FLORIDA.

SEC. 1. Every free white male person of the age of twenty-one years and upwards, and who shall be, at the time of offering to vote, a citizen of the United States, and who shall have resided and had his habitation, domicil, home, and place of permanent abode, in Florida, for two years next preceding the election at which he shall offer to vote, and who shall have at such time, and for six months immediately preceding said time shall have had his habitation, domicil, home, and place of permanent abode, in the county in which he may offer to vote, and who shall be enrolled in the militia thereof (unless by law exempted from serving in the militia,) shall be deemed a qualified elector at all elections under this Constitution, and none others, except at elections by general ticket in the State or district prescribed by law; in which cases, the elector must have been a resident of the State two years next preceding the election, and six months within the election district in which he offers to vote: provided that no soldier, seaman, or marine in the regular army or navy of the United States, unless he be a qualified elector of the State previous to his enlistment as such soldier, seaman or marine in the regular army or navy of the United States, or the revenue service, shall be considered a resident of the State, in consequence of being stationed within the same.

2. The General Assembly shall, at its first session, provide for the registration of all the qualified electors in each county, and thereafter, from time to time, of all who may become such qualified electors.

ALABAMA.

SEC. 5. Every white male person of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last three months within the county, city, or town in which he offers to vote, shall be deemed a qualified elector: Provided, that no soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State; and provided, also, that no elector shall be entitled to vote except in the county, city, or town, (entitled to separate representation,) in which he may reside at the time of the election.

6. Electors shall, in all cases, except in those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

7. In all elections by the people, the electors shall vote by ballot, until the General Assembly shall otherwise direct.

MISSISSIPPI.

SEC. 1. Every free white male person of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last four months within the county, city or town in which he offers to vote, shall be deemed a qualified elector. And any such qualified elector who may happen to be in any county, city or town other than that of his residence at the time of an election, or who shall have removed to any county, city or town within four months preceding the election, from any county, city or town in which he would have been a qualified elector had he not so removed, may vote for any State or district officer or member of Congress, for whom he could have voted in the county of his residence, or the county, city or town from which he may have so removed.

2. Electors shall, in all cases, except in those of treason, felony, or breach of the peace, be privileged from arrest, during their attendance on elections, and going to and returning from the same.

3. The first election shall be by ballot, and all future elections, by the people, shall be regulated by law.

LOUISIANA.

SEC. 10. Every free white male who has attained the age of twenty-one years, and who has been a resident of the State twelve months next preceding the election, and the last six months thereof in the parish in which he offers to vote, and who shall be a citizen of the United States, shall have the right of voting, but no voter on removing from one parish to another within the State, shall lose the right of voting in the former until he shall have acquired it in the latter. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest, during their attendance at, going to, or returning from elections.

11. The Legislature shall provide by law, that the names and residence of all qualified electors of the city of New Orleans, shall be registered, in order to entitle them to vote; but the registry shall be free of cost to the elector.

12. No soldier, seaman, or marine, in the army or navy of the United States, no pauper, no person under interdiction, nor under conviction of any crime punishable with hard labor, shall be entitled to vote at any election in this State.

13. No person shall be entitled to vote at any election held in this State, except in the parish of his residence, and in cities and towns divided into election precincts, in the election precinct in which he resides.

98. In all elections by the people the vote shall be by ballot.

TENNESSEE.

SEC. 1. Every free white man of the age of twenty-one years, being a citizen of the United States, and a citizen of the county wherein he may offer his vote six months next preceding the day of election, shall be entitled to vote for members of the General Assembly, and other civil officers, for the county or district in which he resides: *provided*, that no person shall be disqualified from voting in any election on account of color, who is now, by the laws of this State, a competent witness in a court of justice against a white man.

2. Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.

3. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest or summons during

their attendance at elections, and in going to and returning from them.

4. * * * All elections [by the people] shall be by ballot.

ART. 10.—Sec. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall directly or indirectly give, promise, or bestow any such reward to be elected, shall thereby be rendered incapable, for six years, to serve in the office for which he was elected, and be subject to such further punishment as the Legislature shall direct.

KENTUCKY.

SEC. 8. Every free white male citizen, of the age of twenty-one years, who has resided in the State two years, or in the county, town, or city, in which he offers to vote, one year next preceding the election, shall be a voter; but such voter shall have been, for sixty days next preceding the election, a resident of the precinct in which he offers to vote, and he shall vote in said precinct, and not elsewhere.

9. Voters, in all cases except treason, felony, breach, or surety of the peace, shall be privileged from arrest during their attendance at, going to, and returning from elections.

OHIO.

SEC. 1. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county, township, or ward, in which he resides, such time as may be provided by law, shall have the qualifications of an elector, and be entitled to vote at all elections.

2. All elections shall be by ballot.

3. Electors, during their attendance at elections, and in going to and returning therefrom, shall be privileged from arrest, in all cases, except treason, felony, and breach of the peace.

4. The General Assembly shall have power to exclude from the privilege of voting, or of being eligible to office, any person convicted of bribery, perjury, or otherwise infamous crime.

5. No person in the military, naval, or marine service of the United States, shall, by being stationed in any garrison, or military, or naval station, within the State, be considered a resident of this State.

6. No idiot, or insane person, shall be entitled to the privileges of an elector.

INDIANA.

SEC. 1. All elections shall be free and equal.

2. In all elections, not otherwise provided for by this constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside.

3. No soldier, seaman or marine in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State, in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine have the right to vote.

4. No person shall be deemed to have lost his residence in the State by reason of his absence either on business of this State or of the United States.

5. No negro or mulatto shall have the right of suffrage.

8. The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible, any person convicted of an infamous crime.

ILLINOIS.

SEC. 1. In all elections, every white male citizen above the age of twenty-one years, having resided in the State one year next preceding the election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid,

who may be a resident of the State at the time of the adoption of this constitution, shall have the right of voting as aforesaid; but no such citizen or inhabitant shall be entitled to vote, except in the district or county in which he shall actually reside at the time of such election.

2. All votes shall be given by ballot.

3. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

4. No elector shall be obliged to do militia duty on the days of election, except in time of war or public danger.

5. No elector shall be deemed to have lost his residence in this State by reason of his absence on the business of the United States or of this State.

6. No soldier, seaman or marine, in the army or navy of the United States, shall be deemed a resident of this State, in consequence of being stationed at any military or naval place within the State.

7. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next before the election or appointment.

8. The General Assembly shall have full power to pass laws excluding from the right of suffrage persons convicted of infamous crimes.

9. The general elections shall be held on the Tuesday next after the first Monday of November, biennially, until otherwise provided by law.

MICHIGAN.

SEC. 1. In all elections, every white male citizen, every white male inhabitant residing in the State on the twenty-fourth day of June, one thousand eight hundred and thirty-five; every white male inhabitant residing in this State on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid; and every civilized male inhabitant of Indian descent, a native of the United States and not a member of any tribe, shall be an elector and entitled to vote; but no citizen or inhabitant shall be an elector, or enti-

tled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election.

2. All votes shall be given by ballot, except for such township officers as may be authorized by law to be otherwise chosen.

3. Every elector, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during his attendance at election, and in going to and returning from the same.

4. No elector shall be obliged to do militia duty on the day of election, except in time of war or public danger, or attend court as a suitor or witness.

5. No elector shall be deemed to have gained or lost a residence by reason of his being employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison.

6. Laws may be passed to preserve the purity of elections, and guard against abuses of the elective franchise.

7. No soldier, seaman, nor marine, in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed in any military or naval place within the same.

8. Any inhabitant who may hereafter be engaged in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the constitution and laws of this State, and shall not be permitted to vote at any election.

MISSOURI.

SEC. 10. Every free white male citizen of the United States, who may have attained the age of twenty-one years, and who shall have resided in this State one year before an election, the last three months whereof shall have been in the county or district in which he offers to vote, shall be deemed a qualified elector of all elective officers; where a county shall be districted, any person who is otherwise qualified and shall have resided in a representative district for one month, shall have a right to vote in such district; and until he acquires a right to vote in the district to which he has removed, he shall have the right

to vote in the district from which he removed: *provided*, that no soldier, seaman, or marine, in the regular army or navy of the United States, shall be entitled to vote at any election in this State. No person who has been convicted of any felonious or infamous crime in any foreign country, or any State of this Union, or who has become a fugitive from justice from such country or State, on account of the commission of such crime, shall be permitted to vote in this State. This disqualification shall not extend to any offence of a political nature, nor to any offence which would not be considered felonious or infamous in this State.

ARKANSAS.

SEC. 2. Every free white male citizen of the United States, who shall have attained the age of twenty-one years, and who shall have been a citizen of this State six months, shall be deemed a qualified elector, and be entitled to vote in the county or district where he actually resides, for each and every office made elective under this State or the United States: Provided, that no soldier, seaman, or marine in the army or navy of the United States, shall be entitled to vote at any election within this State.

8. All general elections shall be *viva voce*, until otherwise directed by law, and shall commence and be holden every two years, on the first Monday in October, until altered by law; and the electors in all cases, except in cases of treason, felony, and breach of the peace, shall be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

IOWA.

Every white male citizen of the United States of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county in which he claims his vote twenty days, shall be entitled to vote at all the elections which are now or hereafter may be authorized by law.

Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest on the days of election,

during their attendance at such election, going and returning therefrom.

No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

No person in the military, naval or marine service of the United States, shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within the State.

No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

All elections by the people shall be by ballot.

WISCONSIN.

Every male person of the age of twenty-one years or upwards, of the following classes, who shall have resided in this State for one year next preceding any election, shall be deemed a qualified elector at such election:

White citizens of the United States.

White persons of foreign birth who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.

Persons of Indian blood who shall have once been declared by law of Congress to be citizens of the United States, any subsequent act of Congress to the contrary notwithstanding.

Civilized persons of Indian descent not members of any tribe: provided, that the legislature may at any time extend by law the right of suffrage to persons not herein enumerated, but no law shall be in force until the same shall have been submitted to a vote of the people at a general election, and approved by a majority of all the votes cast at such election.

No person under guardianship, *non compos mentis*, or insane, shall be qualified to vote at any election: nor shall any person convicted of treason or felony be qualified to vote at any election, unless restored to civil rights.

All votes shall be given by ballot, except for such township officers as may by law be directed or allowed to be otherwise chosen.

No person shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State. No soldier, seaman, or marine in the army

or navy of the United States shall be deemed a resident of this State, in consequence of his being stationed within the same.

Laws may be passed excluding from the right of suffrage all persons who have been, or may be convicted of bribery, or larceny, or of any infamous crime, and depriving every person who shall make, or become directly interested in any bet or wager, depending upon the result of any election, from the right to vote at such election.

TEXAS

Every free male person who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, or who is at the time of the adoption of this constitution by the Congress of the United States, a citizen of the Republic of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district, county, city, or town, in which he offers to vote, (Indians not taxed, Africans, and descendants of Africans excepted,) shall be deemed a qualified elector: and should such qualified happen to be in any other county, situated in the district in which he resides, at the time of an election, he shall be permitted to vote for any district officer; provided, that the qualified electors shall be permitted to vote anywhere in the State for State officers, and provided further, that no soldier, seaman, or marine in the army or navy of the United States, shall be entitled to vote at any election created by this constitution.

All free male persons over the age of twenty-one years, (Indians not taxed, Africans and descendants of Africans excepted) who shall have resided six months in Texas, immediately preceding the acceptance of this constitution by the Congress of the United States, shall be deemed qualified electors.

Electors in all cases shall be privileged from arrest during their attendance at elections, in going to and returning from the same, except in cases of treason, felony or breach of the peace.

CALIFORNIA.

Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the 30th of May, 1848, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law: Provided, that nothing herein contained shall be construed to prevent the legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going and returning therefrom.

No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas: nor while a student in any seminary of learning, nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison.

No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

All elections by the people shall be by ballot.

OREGON TERRITORY.

ORGANIC LAW.

Every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the

first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and those above that age who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided further*, That no officer, soldier, seaman, or marine, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote in said Territory, by reason of being on service therein, unless said Territory is and has been for the period of six months his permanent domicil: *Provided further*, That no person belonging to the army or navy of the United States shall ever be elected to or hold any civil office or appointment in said Territory.

NEW MEXICO.

ORGANIC LAW.

Every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly. *Provided*, That the right of suffrage, and of holding office, shall be exercised only by citizens of the United States, including those recognised as citizens by the treaty with the Republic of Mexico, concluded February second, eighteen hundred and forty-eight.

EXTRACT FROM TREATY.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possessed in the said territories, or disposing there-

of and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of the ratifications of this treaty; and those who shall remain in said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

LEGISLATIVE ACTS OF 1851-2.

Every white male citizen of the United States, over twenty-one years of age, who shall have resided in the Territory one year, and in the county which he offers to vote, for three months, shall be entitled to vote and be elected to office in any election provided for in this act, unless in the case hereinafter specified.

All males above twenty-four years of age shall be eligible for the house of representatives and for probate judge. For delegates to Congress, all over twenty-five years of age—for members of council, all over thirty years of age, until otherwise provided by law.

No person prevented by the organic law of the Territory, no officer or soldier of the United States army, and no person included in the term "Camp followers" of the United States army, shall be entitled to vote or hold office in this Territory.

LEGISLATIVE ACTS OF 1853-4.

That every person who is now a native citizen of the United States or adopted citizen of this Territory, who may present himself to vote at any election in this Territory, shall be examined by the judges of election in whose precinct he may apply to vote, and proving to the satisfaction of the said judges that he has legal letters of naturalization or of citizenship, he shall be allowed to vote; but should there still exist doubts of his right to vote, they shall act in accordance with the provisions of section 46* of the present law of election.

That the Pueblo Indians of this Territory, for the present, and until they shall be declared, by the Congress of the United

* Section 46 merely requires the registry of all rejected voters.

States, to have the right, are excluded from the privilege of voting at the popular elections of the Territory, except in the elections for overseers of ditches to which they belong, and in the elections proper to their own pueblos, to elect their officers according to their ancient customs.

UTAH TERRITORY.

ORGANIC LAW.

Every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory: but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly. *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognised as citizens by the treaty with the Republic of Mexico, concluded February second, eighteen hundred and forty-eight.

MINNESOTA TERRITORY.

Every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory: but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act.

LEGISLATIVE ACT.

All free white male inhabitants over the age of twenty-one years, who shall have resided within this Territory six months

next preceding an election, shall be entitled to vote at any election for delegates to Congress and for territorial, county, and precinct officers: *Provided*, That they shall be citizens of the United States, or shall have resided within the United States for a period of two years next preceding such election, and declared on oath before any court of record having a seal and clerk, or in time of vacation before the clerk thereof, his intention to become such; and shall have taken an oath to support the Constitution of the United States, and the provisions of an act of congress entitled "An act to establish the territorial government of Minnesota," approved March the third, one thousand eight hundred and forty-nine; *And provided also*, That nothing in this chapter shall be so construed as to prohibit all persons of mixed white and Indian blood who have adopted the customs and habits of civilization, from voting.

No person under guardian, *non compos mentis*, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason, felony, or bribery, unless restored to civil rights, be permitted to vote at any election.

NEBRASKA AND KANSAS.

ORGANIC LAW.

Every free white male inhabitant above the age of twenty-one years, who shall be an actual resident of said Territory, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters, and of holding office at all subsequent elections, shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided further*, That no officer, soldier, seaman, or marine, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote or hold office in said Territory, by reason of being on service therein.

WASHINGTON TERRITORY.

Every white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, and shall possess the qualifications hereinafter prescribed, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the Legislative Assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and those above that age who shall have declared on oath their intention to become such, and shall have taken an oath to support the Constitution of the United States and the provisions of this act: *And provided further*, That no officer, soldier, seaman, mariner, or other person in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote in said Territory, by reason of being on service therein, unless said Territory is, and has been for the period of six months, his permanent domicil: *Provided further*, That no person belonging to the army or navy of the United States shall ever be elected to or hold any civil office or appointment in said Territory.

LEGISLATIVE ACT.

That any white American citizen above the age of twenty-one years, and all other white male inhabitants of this Territory above that age who shall have declared on oath their intention to become citizens, and to support the Constitution of the United States, at least six months previous to the day of election, and who shall have resided six months in the Territory, and twenty days in the county, next preceding the day of election, and none others, shall be entitled to hold office or vote at any election in this Territory: *Provided*, That no officer, soldier, seaman or marine in the army or navy of the United States, or attached to troops in the service of the United States, shall be allowed to vote at any election in this Territory: and that all existing laws hitherto passed, and not in conformity with this act, be and are hereby repealed, or so much of them as conflicts with this act.

TREATIES OF EXTRADITION

WITH

FOREIGN POWERS.

GREAT BRITAIN.

Extract from the treaty of Washington, concluded August 9, 1842.

ARTICLE X.—It is agreed that the United States and her Britannic Majesty shall upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall seek an asylum, or shall be found, within the territories of the other: provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such

[NOTE.—See case of Thomas Kaine, an alleged fugitive from Great Britain—14th Howard's Reports, p. 103.

Under the above article of the treaty, a warrant was issued by a Commissioner, at the instance of the British Consul, for the apprehension of a person who, it was alleged, had committed an assault, with intent to murder, in Ireland.

The person being arrested, the Commissioner ordered him to be committed, for the purpose of abiding the order of the President of the United States.

A *habeas corpus* was then issued by the Circuit Court of the United States for the District of New York—district judge presiding—when, after a hearing, the writ was dismissed and the prisoner remanded to custody.

A petition was then presented to the circuit judge for the District of New York, at his chamber, addressed to the justices of the Supreme Court, and praying for a writ of *habeas corpus*, which was referred by the circuit judge, after a hearing, to the Justices of the Supreme Court, in bank, at the commencement of the next term thereof.

At the meeting of the court, a motion was made, with the papers and proceedings presented to the circuit judge annexed to the petition, for writs of *habeas corpus* and *certiorari* to bring up the defendant and the record from the Circuit Court, for the purpose of having the decision of that court examined.

The motion was refused; the writs prayed for denied, and the petition dismissed.]

hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

FRANCE.

Convention for the surrender of criminals, between the United States of America and his Majesty the King of the French. (*November 9th*, 1843.)

The United States of America and His Majesty the King of the French, having judged it expedient, with a view to the better administration of justice, and to the prevention of crime within their respective territories and jurisdictions, that persons charged with the crimes hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, the said United States of America and His Majesty the King of the French have named as their Plenipotentiaries to conclude a convention for this purpose, that is to say: the President of the United States of America, Abel P. Upshur, Secretary of State of the United States, and his Majesty the King of the French, the Sieur Pageot, officer of the Royal Order of the Legion of Honor, his Minister plenipotentiary, *ad interim*, in the United States of America; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.—It is agreed that the high contracting parties shall, on requisitions made in their name, through the medium of their respective diplomatic agents, deliver up to justice persons who, being accused of the crimes enumerated in the next following article, committed within the jurisdiction of the requiring party, shall seek an asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as that the laws of the country, in which the fugitive or the person so accused shall be found, would justify his or her apprehension and commitment for trial, if the crime had been there committed.

ART. II.—Persons shall be so delivered up who shall be charged, according to the provisions of this convention, with any of the following crimes, to wit: murder, (comprehending the crimes designated in the French penal code by the terms assassination, parricide, infanticide, and poisoning,) or with an attempt to commit murder, or with rape, or with forgery, or with arson, or with embezzlement by public officers, when the same is punishable with infamous punishment.

ART. III.—On the part of the French Government, the surrender shall be made only by authority of the Keeper of the Seals, Minister of Justice; and on the part of the Government of the United States, the surrender shall be made only by authority of the Executive thereof.

ART. IV.—The expenses of any detention and delivery, effected in virtue of the preceding provisions, shall be borne and defrayed by the Government in whose name the requisition shall have been made.

ART. V.—The provisions of the present convention shall not be applied in any manner to the crimes enumerated in the second article, committed anterior to the date thereof, nor to any crime or offence of a purely political character.

ART. VI.—This convention shall continue in force until it shall be abrogated by the contracting parties, or one of them; but it shall not be abrogated except by mutual consent, unless the party desiring to abrogate it shall give six months' previous notice of his intention to do so. It shall be ratified, and the ratifications shall be exchanged within the space of six months, or earlier if possible.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have affixed thereto the seal of their arms.

Done at Washington, the ninth day of November, anno Domini one thousand eight hundred and forty-three.

A. P. UPSHUR. [L. S.]
A. PAGEOT. [L. S.]

ADDITIONAL ARTICLE.—The crime of robbery, defining the same to be the felonious and forcible taking from the person of another, of goods or money to any value, by violence, or putting him in fear; and the crime of burglary, defining the same to be, breaking and entering by night into a mansion house of another, with intent to commit felony; and the corresponding crimes included under the French law in the words *vol qualifie crime*, not being embraced in the second article of

the convention of extradition concluded between the United States of America and France, on the 9th of November, 1843: it is agreed by the present article, between the high contracting parties, that persons charged with those crimes shall be respectively delivered up, in conformity with the first article of the said convention; and the present article, when ratified by the parties, shall constitute a part of the said convention, and shall have the same force as if it had been originally inserted in the same.

Proclaimed, February 24, 1845.

Extract from a Treaty with the Hawaiian Islands of December 20, 1849.

ARTICLE XIV.—The contracting parties mutually agree to surrender, upon official requisition, to the authorities of each, all persons who being charged with the crimes of murder, piracy, arson, robbery, forgery, or the utterance of forged paper, committed within the jurisdiction of either, shall be found within the territories of the other, provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the person so charged shall be found, would justify his apprehension and commitment for trial if the crime had there been committed; and the respective judges and other magistrates of the two governments shall have authority, upon complaint made under oath, to issue a warrant for the apprehension of the person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

PRUSSIA

AND OTHER STATES OF THE GERMANIC CONFEDERATION.

Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States, on the one part, and Prussia and other States of the Germanic Confederation, on the other part.

WHEREAS it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain heinous crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; and whereas the laws and Constitution of Prussia and of the other German States, parties to this convention, forbid them to surrender their own citizens to a foreign jurisdiction, the Government of the United States, with a view of making the convention strictly reciprocal, shall be held equally free from any obligation to surrender citizens of the United States: therefore, on the one part, the United States of America, and on the other part, His Majesty the King of Prussia, in His own name as well as in the name of His Majesty the King of Saxony, His Royal Highness the Elector of Hesse, His Royal Highness the Grand Duke of Hesse and on Rhine, His Royal Highness the Grand Duke of Saxe-Weimar-Eisenach, His Highness the Duke of Saxe-Meiningen, His Highness the Duke of Saxe-Altenburg, His Highness the Duke of Saxe-Coburg-Gotha, His Highness the Duke of Brunswick, His Highness the Duke of Anhalt-Dessau, His Highness the Duke of Anhalt-Bernburg, His Highness the Duke of Nassau, His Serene Highness the Prince of Schwarzburg-Rudolstadt, His Serene Highness the Prince of Schwarzburg-Sondershausen, Her Serene Highness the Princess and Regent of Waldeck, His Serene Highness the Prince of Reuss, elder branch, His Serene Highness the Prince of Reuss, junior branch, His Serene Highness the Prince of Lippe, His Serene Highness the Landgrave of Hesse-Homburg, as well as the free city of Francfort, having resolved to treat on this subject, have for that purpose appointed their respective plenipotentiaries to negotiate and conclude a convention—that is to say:

The President of the United States of America, Daniel Webster, Secretary of State, and His Majesty the King of

Prussia in His own name, as well as in the name of the other German Sovereigns above enumerated, and the free city of Francfort, Frederic Charles Joseph von Gerolt, His said Majesty's Minister Resident near the Government of the United States, who after reciprocal communication of their respective powers, have agreed to and signed the following articles:

ARTICLE I.—It is agreed that the United States and Prussia, and the other States of the Germanic Confederation included in, or which may hereafter accede to this convention, shall, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ART. II.—The stipulations of this convention shall be applied to any other State of the Germanic Confederation which may hereafter declare its accession thereto.

ART. III.—None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ART. IV.—Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an

asylum, or shall be found, such person shall not be delivered up under the stipulations of this convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ART. V.—The present convention shall continue in force until the 1st of January, 1858; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other, at any time after the expiration of the said 1st day of January, 1858.

ART. VI.—The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the government of Prussia, and the ratifications shall be exchanged at Washington within six months from the date hereof, or sooner if possible.

In faith whereof, the respective Plenipotentiaries have signed this convention, and have hereunto affixed our seals.

Done in triplicate at Washington the sixteenth day of June, one thousand eight hundred and fifty-two, and the seventy-sixth year of the independence of the United States.

DAN'L WEBSTER. [L. S.]
FR. v. GEROLT. [L. S.]

Additional Article to the Convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded between the United States on the one part, and Prussia and other States of the Germanic Confederation, on the other part, at Washington, the 16th day of June, one thousand eight hundred and fifty-two.

Whereas it may not be practicable for the ratifications of the convention for the mutual delivery of criminals, fugitives from justice, in certain cases, between the United States and Prussia and other States of the Germanic Confederation, signed at Washington on the 16th day of June, 1852, to be exchanged within the time stipulated in said convention; and whereas both parties are desirous that it should be carried into full and complete effect, the President of the United States of America has fully empowered on his part Edward Everett, Secretary of State of the United States, and His Majesty the King of Prussia, in His own name, as well as in the name of the other German sovereigns enumerated in the aforesaid convention, has likewise fully empowered Frederick Charles Joseph von Gerolt,

his said Majesty's Minister Resident near the Government of the United States, who have agreed to and signed the following article:

The ratifications of the convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded on the 16th of June, 1852, shall be exchanged at Washington within one year from the date of this agreement, or sooner, should it be possible.

The present additional article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid convention of the 16th of June, 1852, and shall be approved and ratified in the manner therein prescribed.

In faith whereof, we the respective Plenipotentiaries, have signed this agreement and have hereunto affixed our seals.

Done at Washington, this sixteenth day of November, one thousand eight hundred and fifty-two, and the seventy-seventh year of the independence of the United States.

EDWARD EVERETT. [L. S.]
FR. VON GEROLT. [L. S.]

Proclaimed, June 1, 1853.

KINGDOM OF BAVARIA.

Convention for the mutual extradition of fugitives from justice, in certain cases, concluded between the Government of the United States, on the one part, and the Kingdom of Bavaria, on the other part.

The United States of America and his Majesty the King of Bavaria, actuated by an equal desire to further the administration of justice and to prevent the commission of crimes in their respective countries, taking in consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that, consequently, provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals as, having committed any of the offences hereafter enumerated, in one country, shall have taken refuge within the territories of the other. The constitution and laws of Bavaria, however, not allowing the Bavarian government to surrender their own subjects for trial

before a foreign court of justice, a strict reciprocity requires that the government of the United States shall be held equally free from any obligation to surrender citizens of the United States.

For which purposes the high contracting powers have appointed as their plenipotentiaries:

The President of the United States, James Buchanan, envoy extraordinary and minister plenipotentiary of the United States at the court of the United Kingdom of Great Britain and Ireland.

His Majesty the King of Bavaria, Augustus Baron de Cetto, his said Majesty's chamberlain, envoy extraordinary and minister plenipotentiary at the court of her Majesty the Queen of the United Kingdom of Great Britain and Ireland, knight commander of the order for merit of the Bavarian Crown and of the order for merit of St. Michael, knight grand cross of the royal Grecian order of our Saviour:

Who, after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.—The government of the United States and the Bavarian government promise and engage, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, to deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys committed within the jurisdiction of either party, shall seek an asylum, or shall be found within the territories of the other: provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitme for trial if the crime or offence had there been committed· the respective judges and other magistrates of the two g ments shall have power, jurisdiction, and authority, upc plaint made under oath, to issue a warrant for the app[r] of the fugitive or person so charged, that he may [b]e before such judges or other magistrates respective[ly] that the evidence of criminality may be heard [a]nd and if, on such hearing, the evidence be dee sustain the charge, it shall be the duty of th or magistrate to certify the same to

his said Majesty's Minister Resident near the Government of the United States, who have agreed to and signed the following article:

The ratifications of the convention for the mutual delivery of criminals, fugitives from justice, in certain cases, concluded on the 16th of June, 1852, shall be exchanged at Washington within one year from the date of this agreement, or sooner, should it be possible.

The present additional article shall have the same force and effect as if it had been inserted, word for word, in the aforesaid convention of the 16th of June, 1852, and shall be approved and ratified in the manner therein prescribed.

In faith whereof, we the respective Plenipotentiaries, have signed this agreement and have hereunto affixed our seals.

Done at Washington, this sixteenth day of November, one thousand eight hundred and fifty-two, and the seventy-seventh year of the independence of the United States.

EDWARD EVERETT. [L. S.]
FR. VON GEROLT. [L. S.]

Proclaimed, June 1, 1853.

KINGDOM OF BAVARIA.

Convention for the mutual extradition of fugitives from justice, in certain cases, concluded between the Government of the United States, on the one part, and the Kingdom of Bavaria, on the other part.

The United States of America and his Majesty the King of Bavaria, actuated by an equal desire to further the administration of justice and to prevent the commission of crimes in their respective countries, taking in consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that, consequently, provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals as, having committed any of the offences hereafter enumerated, in one country, shall have taken refuge within the territories of the other. The constitution and laws of Bavaria, however, not allowing the Bavarian government to surrender their own subjects for trial

KINGDOM OF HANOVER.

Convention for the mutual extradition of fugitives from justice, in certain cases, concluded between the Government of the United States, on the one part, and the Kingdom of Hanover, on the other part.

The United States of America and his Majesty the King of Hanover, actuated by an equal desire to further the administration of justice and to prevent the commission of crime in their respective countries, taking into consideration that the increased means of communication between Europe and America facilitate the escape of offenders, and that, consequently, provision ought to be made in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed, in all cases, with reference to the extradition of such individuals as, having committed any of the offences hereinafter enumerated in one country, shall have taken refuge within the territories of the other. The constitution and laws of Hanover, however, not allowing the Hanoverian government to surrender their own subjects for trial before a foreign court of justice, a strict reciprocity requires that the government of the United States shall be held equally free from any obligation to surrender citizens of the United States. For which purposes the high contracting powers have appointed as their plenipotentiaries: The President of the United States, James Buchanan, envoy extraordinary and minister plenipotentiary of the United States at the court of the United Kingdom of Great Britain and Ireland; his Majesty the King of Hanover, the Count Adolphus von Kielmansegge, his envoy extraordinary and Minister plenipotentiary to her Britannic majesty, grand cross of the order of the Guelphs, &c., &c., who after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following articles:

ARTICLE I.—The government of the United States and the Hanoverian government promise and engage, upon mutual requisitions by them or their ministers, officers, or authorities, respectively made, to deliver up to justice all persons who being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery or the utterance of forged papers, or the fabrication or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction

authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ART. II.—The stipulations of this convention shall be applied to any other State of the German Confederation which may hereafter declare its accession thereto.

ART. III.—None of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ART. IV.—Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ART. V.—The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months, after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty-eight.

ART. VI.—The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the government of Bavaria, and the ratifications shall be exchanged in London within fifteen months from the date hereof, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate in London, the twelfth day of September, one thousand eight hundred and fifty-three, and the seventy-eighth year of the independence of the United States.

JAMES BUCHANAN. [L. S.]
AUG. DE CETTO. [L. S.]

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claimed, November 18, 1854.

ART. VI.—The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the government of Hanover, and the ratifications shall be exchanged, in London, within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate, in London, the eighteenth day of January, one thousand eight hundred and fifty-five, and the seventy-ninth year of the independence of the United States.

JAMES BUCHANAN. [L. S.]
A. KIELMANSEGGE. [L. S.]

Proclaimed, May 5, 1855.

of either party, shall seek an asylum, or shall be found, within the territories of the other: *Provided*, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed; and the respective judges, and other magistrates, of the two governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges, or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ART. II.—The stipulations of this convention shall be applied to any other State of the Germanic Confederation which may hereafter declare its accession thereto.

ART. III.—None of the contracting parties shall be bound to deliver up its own subjects or citizens under the stipulations of this convention.

ART. IV.—Whenever any person accused of any of the crimes enumerated in this convention shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up, under the stipulations of this convention, until he shall have been tried and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ART. V.—The present convention shall continue in force until the first of January, one thousand eight hundred and fifty-eight; and if neither party shall have given to the other six months' previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either of the high contracting parties shall have given notice to the other of such intention, each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said first day of January, one thousand eight hundred and fifty-eight.

ART. VI.—The present convention shall be ratified by the President, by and with the advice and consent of the Senate of the United States, and by the government of Hanover, and the ratifications shall be exchanged, in London, within three months from the date hereof, or sooner, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate, in London, the eighteenth day of January, one thousand eight hundred and fifty-five, and the seventy-ninth year of the independence of the United States.

JAMES BUCHANAN. [L. S.]
A. KIELMANSEGGE. [L. S.]

Proclaimed, May 5, 1855.

PROCLAMATION

Of accession to the treaty of extradition between the United States and Prussia by the Free Hanseatic city of Bremen.

WHEREAS it is provided by the second article of the convention of the 16th of June, 1852, between the United States and Prussia and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice, in certain cases, that the stipulations of that Convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto:

And whereas the Free Hanseatic city of Bremen has declared its accession to the said Convention, and the exchange of the said declaration for my acceptance of the same was made at Washington on the 14th instant, by Rudolph Schleiden, Minister Resident of the said Free Hanseatic city of Bremen, and William L. Marcy, Secretary of State of the United States, on behalf of their respective governments:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said Convention may be observed and fulfilled with good faith in respect to the Free Hanseatic city of Bremen by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the fifteenth day of October, in the year of our Lord one thousand eight hundred and fifty-
[L. S.] three, and of the independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

By the President:
W. L. MARCY, Secretary of State.

PROCLAMATION

Of accession to the treaty of extradition between the United States and Prussia by the Government of Wurtemberg.

WHEREAS it is provided by the second article of the convention of the 16th of June, 1852, between the United States and Prussia, and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice in certain cases, that the stipulations of that convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto:

And whereas the government of Wurtemberg has declared its accession to the said convention, and has caused the said declaration to be lodged in the Department of State of the United States:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said convention may be observed and fulfilled with good faith in respect to the government of Wurtemberg by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the twenty-seventh day of December, in the year of our Lord one thousand eight hundred
[L. S.] and fifty-three, and of the independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

By the President:
W. L. MARCY, Secretary of State.

PROCLAMATION

Of accession to the treaty of extradition between the United States and Prussia by the Government of Mecklenburg-Schwerin.

WHEREAS it is provided by the second article of the convention of the 16th of June, 1852, between the United States and Prussia, and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice in certain cases, that the stipulations of that convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto:

And whereas the Government of Mecklenburg-Schwerin has declared its accession to the said convention, and has caused the said declaration to be lodged in the Department of State of the United States:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said convention may be observed and fulfilled with good faith in respect to the Government of Mecklenburg-Schwerin by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the sixth day of January, in the year of our Lord one thousand eight hundred and fifty-four,
[L. S.] and of the independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

By the President:
W. L. MARCY, Secretary of State.

PROCLAMATION

Of accession to the treaty of extradition between the United States and Prussia by the Government of Mecklenburg-Strelitz.

WHEREAS it is provided by the second article of the convention of the 16th of June, 1852, between the United States and Prussia, and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice in certain cases, that the stipulations of that convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto:

And whereas the Government of Mecklenburg-Strelitz has declared its accession to the said convention, and has caused the said declaration to be lodged in the Department of State of the United States:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said convention may be observed and fulfilled with good faith in respect to the government of Mecklenburg-Strelitz by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and fifty-
[L. S.] four, and of the independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

By the President:
W. L. MARCY, Secretary of State.

PROCLAMATION

Of accession to the treaty of extradition between the United States and Prussia by the Government of Oldenburg.

WHEREAS it is provided by the second article of the convention of the 16th of June, 1852, between the United States and Prussia and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice in certain cases, that the stipulations of that convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto:

And whereas the Government of Oldenburg has declared its accession to the said convention, and has caused the said declaration to be lodged in the Department of State of the United States:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said convention may be observed and fulfilled with good faith in respect to the Government of Oldenburg by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the twenty-first day of March, in the year of our Lord one thousand eight hundred and fifty-
[L. S.] four, and of the independence of the United States the seventy-eighth.

FRANKLIN PIERCE.

By the President:
W. L. MARCY, Secretary of State.

PROCLAMATION

Of accession to the treaty of extradition between the United States and Prussia by the Government of Schaumburg-Lippe.

WHEREAS it is provided by the second article of the convention of the 16th of June, 1852, between the United States and Prussia, and other States of the Germanic Confederation, for the mutual delivery of criminals, fugitives from justice in certain cases, that the stipulations of that convention shall be applied to any other State of the Germanic Confederation which might thereafter declare its accession thereto:

And whereas the Government of Schaumburg-Lippe has declared its accession to the said convention, and has caused the said declaration to be lodged in the Department of State of the United States:

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, have caused this information to be made public, in order that the stipulations of the said convention may be observed and fulfilled with good faith in respect to the Government of Schaumburg-Lippe by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at Washington the twenty-sixth day of July, in the year of our Lord one thousand eight hundred and fifty-
[L. S.] four, and of the independence of the United States the seventy-ninth.

FRANKLIN PIERCE.

By the President:
W. L. MARCY, Secretary of State.

Extradition Treaty with the Swiss Confederation, promulgated November 9, 1855.

The United States of America and the Swiss Confederation on requisitions made in their name through the medium of their respective diplomatic or consular agents, shall deliver up to justice persons who, being charged with the crimes enumerated in the following article, committed within the jurisdiction of the requiring party, shall seek asylum or shall be found within the territories of the other: *Provided*, That this shall be done only when the fact of the commission of the crime shall be so established as to justify their apprehension and commitment for trial if the crime had been committed in the country where the persons so accused shall be found.

Persons shall be delivered up, according to the provisions of this convention, who shall be charged with any of the following crimes, to wit: Murder, (including assassination, parricide, infanticide, and poisoning;) attempt to commit murder; rape; forgery, or the emission of forged papers; arson; robbery with violence, intimidation, or forcible entry of an inhabited house; piracy; embezzlement by public officers, or by persons hired or salaried, to the detriment of their employers, when these crimes are subject to infamous punishment.

On the part of the United States the surrender shall be made only by the authority of the executive thereof; and on the part of the Swiss Confederation by that of the Federal Council.

The expenses of detention and delivery, effected in virtue of the preceding articles, shall be at the cost of the party making the demand.

The provisions of the aforegoing articles relating to the surrender of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character.

The present convention is concluded for the period of ten years, counting from the day of the exchange of the ratifications; and if, one year before the expiration of that period, neither of the contracting parties shall have announced, by an official notification, its intention to the other to arrest the operations of said convention, it shall continue binding for twelve months longer, and so on, from year to year, until the expiration of the twelve months which will follow a similar declaration, whatever the time at which it may take place.

DECLARATION OF INDEPENDENCE.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; and that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundations on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments, long established, should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present

king of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world:

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operations till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the State remaining, in the meantime, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose, obstructing the laws of naturalization of foreigners, refusing to pass others to encourage their migration thither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance.

He has kept among us, in time of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws giving his assent to their acts of pretended legislation.

For quartering large bodies of armed troops among us.

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these States.

For cutting off our trade with all parts of the world.

For imposing taxes on us without our consent.

For depriving us, in many cases, of the benefit of trial by jury.

For transporting us beyond seas, to be tried for pretended offences.

For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies.

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments.

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injuries. A prince,

whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attention to our British brethren. We have warned them, from time to time, of the attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the Representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent States may of right do. And, for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed, and signed by the following members:

JOHN HANCOCK.

New Hampshire.

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

Massachusetts Bay.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

Rhode Island.
STEPHEN HOPKINS,
WILLIAM ELLERY.

Connecticut.
ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

New York.
WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

New Jersey.
RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

Pennsylvania.
ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

Delaware.
CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN.

Maryland.
SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL, of Carrollton.

Virginia.
GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, Jr.
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

North Carolina.
WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.

South Carolina.
EDWARD RUTLEDGE,
THOMAS HEYWARD, Jr.
THOMAS LYNCH, Jr.
ARTHUR MIDDLETON.

Georgia.
BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

ARTICLES OF CONFEDERATION, &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME.

We, the undersigned, delegates of the States affixed to our names, send greeting:

WHEREAS, the delegates of the United States of America, in congress assembled, did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of America, agree to certain articles of confederation and perpetual union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, in the words following, viz:

Articles of confederation and perpetual union between the States of New Hampshire Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE 1. The style of this confederacy shall be, "The United States of America."

ART. 2. Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States in congress assembled.

ART. 3. The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretext whatever.

ART. 4. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state, of which the owner is an inhabitant; provided, also, that no imposition, duties, or restriction, shall be laid by any state on the property of the United States, or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor, in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor, or executive power of the state from which he fled, be delivered up, and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ART. 5. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates or any of them, at any time, within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in congress by less than two nor more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding an office under the United States, for which he, or another for his benefit, receives any salary, fees, or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States in congress assembled, each state shall have one vote.

Freedom of speech and debate in congress shall not be im-

peached or questioned in any court or place out of congress; and the members of congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from, and attendance on congress, except for treason, felony, or breach of the peace.

ART. 6. No state, without the consent of the United States in congress assembled, shall send an embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States in congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in congress assembled, specifying accurately the purpose for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace, by any state, except such number as shall be deemed necessary by the United States in congress assembled, for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as, in the judgment of the United States in congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a number of field-pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, or letters of marque or reprisal,

except it be after a declaration of war by the United States in congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in congress assembled, unless such state be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in congress assembled shall determine otherwise.

ART. 7. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct; and all vacancies shall be filled up by the state which first made the appointment.

ART. 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States in congress assembled.

ART. 9. The United States in congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article: of sending and receiving ambassadors: entering into treaties and alliances; provided that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever: of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated: of granting letters of marque and reprisal, in times of peace: appointing courts for the trial of piracies and felonies committed on the high seas and establishing courts for receiv-

ing and determining finally appeals in all cases of captures; provided, that no member of congress shall be appointed a judge of any of the said courts.

The United States in congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties, by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as congress shall direct, shall, in the presence of congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons which congress shall judge sufficient, or being present shall refuse to strike, the congress shall proceed to nominate three persons out of each state, and the secretary of congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear, or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence, and other proceedings, being in either case transmitted to congress, and lodged among the acts of congress for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or

superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward:" provided also, that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdiction as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States: regulating the trade and managing all affairs with Indians not members of any of the states; provided, that the legislative right of any state within its own limits be not infringed or violated; establishing and regulating post-offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office: appointing all officers of the land forces in the service of the United States, excepting regimental officers: appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in congress assembled shall have authority to appoint a committee to sit in the recess of congress, to be denominated "a committee of the states;" and to consist of one delegate from each state, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction: to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years: to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses: to borrow money or emit bills on the credit of the

United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted; to build and equip a navy: to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in each state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled: but if the United States in congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped, in the same manner as the quota of such state, unless the legislature of such state, shall judge that such extra number cannot safely be spared out of the same; in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can safely be spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in congress assembled.

The United States in congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in congress assembled.

The congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof

relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ART. 10. The committee of the states, or any nine of them, shall be authorized to execute in the recess of congress, such of the powers of congress as the United States in congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the congress of the United States assembled is requisite.

ART. 11. Canada, acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to, all the advantages of this union, but no other colony shall be admitted into the same unless such admission be agreed to by nine states.

ART. 12. All bills of credit emitted, moneys borrowed, debts contracted, by or under the authority of congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. 13. Every state shall abide by the determination of the United States in congress assembled, on all questions which, by this confederation, are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislature of every state.

And whereas it has pleased the Great Governor of the world to incline the hearts of the legislatures we respectively represent in congress, to approve of and to authorize us to ratify the said articles of confederation and perpetual union: KNOW YE, That we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the

said articles of confederation and perpetual union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in congress assembled, on all questions which, by the said confederation, are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual.

In witness whereof, we have hereunto set our hands, in congress. Done at Philadelphia, in the state of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

On the part and behalf of the State of New Hampshire.

Josiah Bartlett, John Wentworth, jun., August 8, 1778.

On the part and behalf of the State of Massachusetts Bay.

John Hancock, Francis Dana,
Samuel Adams, James Lovell,
Elbridge Gerry, Samuel Holten.

On the part and behalf of the State of Rhode Island and Providence Plantations.

William Ellery, John Collins.
Henry Marchant,

On the part and behalf of the State of Connecticut.

Roger Sherman, Titus Hosmer,
Samuel Huntington, Andrew Adams.
Oliver Wolcott,

On the part and behalf of the State of New-York.

Jas. Duane, Wm. Duer,
Fra. Lewis, Gouv. Morris.

On the part and behalf of the State of New-Jersey.

Jno. Witherspoon, Nath. Scudder, Nov. 26, 1778.

On the part and behalf of the State of Pennsylvania.

Robt. Morris, William Clingan,
Daniel Roberdeau, Joseph Reed, 22d July, 1778.
Jona. Bayard Smith,

On the part and behalf of the State of Delaware.

Tho. M'Kean, Feb. 13, 1779, Nicholas Van Dyke.
John Dickinson, May 5th, 1779.

On the part and behalf of the State of Maryland.

John Hanson, March 1, 1781. Daniel Carroll, March 1, 1781.

On the part and behalf of the State of Virginia.

Richard Henry Lee,
John Banister,
Thomas Adams,
Jno. Harvie,
Francis Lightfoot Lee.

On the part and behalf of the State of North-Carolina.

John Penn, July 21, 1778,
Corns. Harnett,
Jno. Williams.

On the part and behalf of the State of South-Carolina.

Henry Laurens,
William Henry Drayton,
Jno. Matthews,
Richard Hutson,
Thos. Heyward, jun.

On the part and behalf of the State of Georgia.

Jno. Walton, 24th July, 1778,
Edwd. Telfair,
Edwd. Langworthy.

[NOTE—From the circumstance of delegates from the same state having signed the articles of confederation at different times, as appears by the dates, it is probable they affixed their names as they happened to be present in congress, after they had been authorized by their constituents.]

[The above articles of confederation continued in force until the 4th day of March, 1789, when the Constitution of the United States took effect.]

CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Of the Legislature.

SECTION I.

1. All legislative powers herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION II.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The

actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three; *Massachusetts* eight; *Rhode Island* and *Providence Plantations* one; *Connecticut* five; *New York* six; *New Jersey* four; *Pennsylvania* eight; *Delaware* one; *Maryland* six; *Virginia* ten; *North Carolina* five; *South Carolina* five; and *Georgia* three.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill up such vacancies.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

SECTION III.

1. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years, and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore*, in the absence of the Vice President, or

when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tired, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

SECTION IV.

1. The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION V.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

2. Each House may determine the rule of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House during the session of Congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION VI.

1. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION VII.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objection at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary, (except a question of adjournment,) shall be presented to the President of the United States; and before the same shall take

effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION VIII.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the United States:

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures:

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post offices and post roads:

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress:

17. To exercise exclusive legislation, in all cases whatsoever,

over such district (not exceeding ten miles square,) as may, by cession of particular states and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings: and,

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or any department or officer thereof.

SECTION IX.

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex post facto* law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.

SECTION X.

1. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit

bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No state shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any state on imports or exports shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of Congress. No state shall, without the consent of Congress, lay any duty on tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Of the Executive.

SECTION I.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:—

2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in Congress; but no senator or representative, or person holding any office of trust or profit under the United States, shall be appointed an elector.

3. The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more

than one who have such a majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by states; the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

4. The Congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President: and such officer shall act accordingly, until the disability be removed or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION II.

1. The President shall be commander-in-chief of the army and navy of the United States and of the militia of the several states, when called into the actual service of the United States; he may require the opinion in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur: and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SECTION III.

1. He shall, from time to time, give to Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION IV.

1. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Of the Judiciary.

SECTION I.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may, from time to time order and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior; and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SECTION II.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between a state, or the citizens thereof and foreign states, citizens or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as Congress may by law have directed.

SECTION III.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or confession in open court.

2. Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

Miscellaneous.

SECTION I.

1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION II.

1. The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION III.

1. New states may be admitted by Congress into this union; but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of Congress.

2. Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory, or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

SECTION IV.

1. The United States shall guarantee to every state in this union a republican form of government, and shall protect each

of them against invasion: and, on application of the legislature, or of the executive (when the legislature cannot be convened,) against domestic violence.

ARTICLE V.

Of Amendments.

1. Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided, that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

Miscellaneous.

1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office, or public trust, under the United States.

ARTICLE VII.

Of the Ratification.

1. The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in Convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.
John Langdon,
Nicholas Gilman.

MASSACHUSETTS.
Nathaniel Gorman,
Rufus King.

CONNECTICUT.
William Samuel Johnson,
Roger Sherman.

NEW YORK.
Alexander Hamilton.

NEW JERSEY.
William Livingston,
David Brearly,
William Patterson,
Jonathan Dayton.

PENNSYLVANIA.
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Governeur Morris.

DELAWARE.
George Read,
Gunning Bedford, jun.,
John Dickinson,
Richard Bassett,
Jacob Broom.

MARYLAND.
James M'Henry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

VIRGINIA.
John Blair,
James Madison, jr.

NORTH CAROLINA.
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

SOUTH CAROLINA.
John Rutledge,
Chas. Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

GEORGIA.
William Few,
Abraham Baldwin.

Attest, WILLIAM JACKSON, *Secretary.*

AMENDMENTS TO THE CONSTITUTION

ART. 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Art. 2. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

Art. 3. No soldier shall in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Art. 4. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Art. 5. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war, or public danger; nor shall any person be subject for the same offence, to be put twice in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Art. 6. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Art. 7. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by jury shall be otherwise re-examined in any court of the United States than according to the rules of the common law.

Art. 8. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Art. 9. The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

Art. 10. The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Art. 11. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of another state, or by citizens or subjects of any foreign state.

Art. 12. Sec. 1. The electors shall meet in their respective states, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate: the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

Sec. 2. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be

a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President: a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice.

Sec. 3. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

NOTE.—At the fourth presidential election, Thomas Jefferson and Aaron Burr were the democratic candidates for President and Vice President. By the electoral returns they had an even number of votes. In the House of Representatives, Burr, by intrigue, got up a party to vote for him for President; and the House was so divided that there was a tie. A contest was carried on for several days, and so warmly, that even sick members were brought to the House on their beds. Finally one of Burr's adherents withdrew, and Jefferson was elected by *one* majority—which was the occasion of this twelfth article.

FAREWELL ADDRESS

GEORGE WASHINGTON, PRESIDENT,

TO THE PEOPLE OF THE UNITED STATES, SEPT. 17, 1796.

FRIENDS AND FELLOW-CITIZENS:

The period for a new election of a citizen to administer the Executive Government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made. I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence, in my situation, might imply, I am influenced by no diminution of zeal for your future interests; no deficiency of grateful respect of your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an ad-

dress to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say, that I have with good intentions contributed towards the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes—perhaps still more in the eyes of others—has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me, more and more, that the abode of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that, under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious, vicissitudes of fortune often discouraging; in situations in which, not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as

a strong incitement to unceasing vows, that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration, in every department, may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and the adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop; but a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend, to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be afforded to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel; nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence—the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed,—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preser-

vation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of *American*, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings and successes. But these considerations, however powerfully they address themselves to your sensibility, are generally outweighed by those which apply more immediately to your interest; here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds, in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow, and its commerce expanded. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in like intercourse with the West, already finds, and in the progressive improvement of interior communication, by land and water, will more and more find, a valuable vent for the commodities which each brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth or comfort, and what is perhaps of still greater consequence, it must, of necessity, owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interests as

one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries, not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments and intrigues, would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious of liberty, and which are to be regarded as particularly hostile to republican liberty; in this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to Union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—Northern and Southern—Atlantic and Western: whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence

within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by paternal affection. The inhabitants of our Western country have lately had a useful lesson on this head; they have seen in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them, of a policy in the General Government, and in the Atlantic States, unfriendly to their interests in regard to the Mississippi—that with Great Britain, and that with Spain, which secure to them everything they could desire in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union a Government of the whole is indispensable. No alliance, however strict between the parties, can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all time, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of Government, better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed,—adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers,—uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their Constitutions of Government; but the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and right of

the people to establish Government, pre-supposes the duty of every individual to obey the established Government.

All obstructions to the execution of laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive to this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put it in the place of the delegated will of the nation, the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of fashion, rather than the organ of consistent and wholesome plans, digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of Government; destroying, afterwards, the very engines which had lifted them to unjust dominion.

Towards the preservation of your Government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a Government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a Government, with powers properly distributed and adjusted, its surest guardian.

It is, indeed, little else than a name, where the Government is too feeble to withstand the enterprise of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all Governments, more or less stifled, controlled or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissensions, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads, at length, to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which, nevertheless, ought not to be entirely out of sight,) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments, occasionally, riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself, through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties, in free countries, are useful checks upon the administration of the Government, and serve to keep alive the spirit of liberty. This, within certain limits,

is probably true; and in Governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in Governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of Government, a real despotism. A just estimate of that love of power, and proneness to abuse it which predominates in the human heart, is sufficient to satisfy us of the truth of this position.

The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal, against invasions by the others, has been evinced by experiments, ancient and modern; some of them in our own country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be, in any particular, wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free Governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked,

where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles. It is substantially true, that virtue or morality is a necessary spring of popular Government. The rule, indeed, extends with more or less force to every species of free Government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric?

Promote then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned; not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practicably bear in mind, that towards the payments of debts there must be revenues; that to have revenue there must be taxes; that no taxes can be devised, which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, (which is always a choice of difficulties,) ought to be a decisive moment for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measure for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant

period a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded: and that in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is, in some degree, a slave. It is a slave to its animosity or to its affection; either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and untractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the Government, contrary to the best calculations of policy. The Government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise a passionate attachment of one nation to another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it

gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray, or sacrifice the interest of their own country, without odium; sometimes even with popularity; gilding with the appearance of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the art of seduction, to mislead public opinion, to influence or awe the public councils? Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me, fellow-citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican Government. But that jealousy, to be useful, must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil, and even second, the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its toils and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. There let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient Government, the period is not far off when we may

defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural cause of things; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing; establishing, with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinions will permit, but temporary, and liable to be, from time to time, abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay, with a portion of its independence, for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon, real favors from nation

to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigues, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by whom they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records, and other evidences of my conduct, must witness to you and the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 23rd of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding neutral conduct may be inferred, without anything more, from the obligation which justice and humanity imposed on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and unity towards other nations.

The inducements of interests, for observing that conduct, will best be referred to your own reflections and experience.

With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error; I am, nevertheless, too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope, that my country will never come to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this, as in other things, and actuated by that fervent love towards it which is so natural to a man who views it in the native soil of himself and his progenitors for several generations, I anticipate, with pleasing expectation, that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free Government—the ever favorite object of my heart—and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEORGE WASHINGTON.

UNITED STATES, 17th of September, 1796.

VIRGINIA RESOLUTIONS OF 1798,

PRONOUNCING THE ALIEN AND SEDITION LAWS TO BE UNCONSTITUTIONAL, AND DEFINING THE RIGHTS OF THE STATES.—DRAWN BY MR. MADISON.

IN THE VIRGINIA HOUSE OF DELEGATES,
Friday, Dec. 21, 1798.

Resolved, That the General Assembly of Virginia doth unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression either foreign or domestic; and that they will support the Government of the United States in all measures warranted by the former.

That this Assembly most solemnly declares a warm attachment to the Union of the States, to maintain which it pledges its powers; and, that for this end, it is their duty to watch over and *oppose every infraction of those principles which constitute the only basis of that Union*, because a faithful observance of them can alone secure its existence and the public happiness.

That this Assembly doth explicitly and peremptorily declare, THAT IT VIEWS THE POWERS OF THE FEDERAL GOVERNMENT, AS RESULTING FROM THE COMPACT TO WHICH THE STATES ARE PARTIES, AS LIMITED BY THE PLAIN SENSE AND INTENTION OF THE INSTRUMENT CONSTITUTING THAT COMPACT, AS NO FARTHER VALID THAN THEY ARE AUTHORIZED BY THE GRANTS ENUMERATED IN THAT COMPACT; AND THAT IN CASE OF A DELIBERATE, PALPABLE, AND DANGEROUS EXERCISE OF OTHER POWERS, NOT GRANTED BY THE SAID COMPACT, THE STATES, WHO ARE PARTIES THERETO, HAVE THE RIGHT, AND ARE IN DUTY BOUND, TO INTERPOSE, FOR ARRESTING THE PROGRESS OF THE EVIL, AND FOR MAINTAINING WITHIN THEIR RESPECTIVE LIMITS THE AUTHORITIES, RIGHTS, AND LIBERTIES APPERTAINING TO THEM.

That the General Assembly doth also express its deep regret, that a spirit has, in sundry instances, been manifested by the Federal Government, to enlarge its powers by forced constructions of the constitutional charter which defines them;

and, that indications have appeared of a design to expound certain general phrases (which, having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued) so as to destroy the meaning and effect of the particular enumeration which necessarily explains, and limits the general phrases, and so as to CONSOLIDATE THE STATES BY DEGREES INTO ONE SOVEREIGNTY, THE OBVIOUS TENDENCY AND INEVITABLE RESULT OF WHICH WOULD BE, TO TRANSFORM THE PRESENT REPUBLICAN SYSTEM OF THE UNITED STATES INTO AN ABSOLUTE, OR AT BEST, A MIXED MONARCHY.

That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution, in the two late cases of the "Alien and Sedition Acts," passed at the last session of Congress; the first of which, exercises a power no where delegated to the Federal Government, and which, by uniting Legislative and Judicial powers to those of Executive, subverts the general principles of free government, as well as the particular organization and positive provisions of the Federal Constitution; and the other of which acts exercises, in like manner, a power not delegated by the Constitution, but on the contrary, expressly and positively forbidden by one of the amendments thereto; a power which, more than any other, ought to produce universal alarm, because it is levelled against the right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right.

That this State having by its Convention, which ratified the Federal Constitution, expressly declared, that among other essential rights, "the liberty of conscience and the press cannot be cancelled, abridged, restrained or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry and ambition, having with other States recommended an amendment for that purpose, which amendment was, in due time, annexed to the Constitution, it would mark a reproachful inconsistency, and criminal degeneracy, if an indifference were now shown to the most palpable violation of one of the rights, thus declared and secured; and to the establishment of a precedent which may be fatal to the other.

That the good people of this Commonwealth, having ever felt, and continuing to feel the most sincere affection for their brethren of the other States; the truest anxiety for establishing

and perpetuating the union of all; and the most scrupulous fidelity to that Constitution, which is the pledge of mutual friendship, and the instrument of mutual happiness; the General Assembly doth solemnly appeal to the like dispositions in the other States, in confidence, that they will concur with this Commonwealth, in declaring, as it does hereby declare, that the acts aforesaid are UNCONSTITUTIONAL; and, that the necessary and proper measures will be taken *by each* for co-operating with this State, in maintaining unimpaired the authorities, rights, and liberties, reserved to the States, respectively, or to the people.

That the Governor be desired to transmit a copy of the foregoing resolutions to the Executive authority of each of the other States, with a request, that the same may be communicated to the Legislature thereof; and that a copy be furnished to each of the Senators and Representatives representing this State in the Congress of the United States.

Attest, JOHN STEWART.

1798, December 24th. Agreed to by the Senate.

H. BROOKE.

A true copy from the original deposited in the office of the General Assembly.

JOHN STEWART, Keeper of Rolls.

EXTRACTS

From the Address to the People, which accompanied the foregoing Resolutions.

FELLOW CITIZENS—Unwilling to shrink from our representative responsibility, conscious of the purity of our motives, but acknowledging your right to supervise our conduct, we invite your serious attention to the emergency which dictated the subjoined resolutions. Whilst we disdain to alarm you by ill-founded jealousies, we recommended an investigation, guided by the coolness of wisdom, and a decision bottomed on firmness but tempered with moderation.

It would be perfidious in those entrusted with the GUARDIANSHIP OF THE STATE SOVEREIGNTY, and acting under the solemn obligation of the following oath: "I do swear, that I will support the Constitution of the United States," not to warn you of encroachments, which, though clothed with the pretext of necessity, or disguised by arguments of expediency, may yet

establish precedents, which may ultimately devote a generous and unsuspicious people to all the consequences of usurped power.

Encroachments springing from a government WHOSE ORGANIZATION CANNOT BE MAINTAINED WITHOUT THE CO-OPERATION OF THE STATES, furnish the strongest excitements upon the State Legislatures to watchfulness, and impose upon them the strongest obligation TO PRESERVE UNIMPAIRED THE LINE OF PARTITION.

The *acquiescence of the States* under *infractions* of the Federal *Compact*, would either beget a speedy consolidation, by precipitating the State Governments into impotency and contempt; or prepare the way for a revolution, by a repetition of these infractions, until the people are aroused to appear in the majesty of their strength. It is to avoid these calamities, that we exhibit to the people the momentous question, whether the Constitution of the United States shall yield to a construction, which defies every restraint, and overwhelms the best hopes of republicanism.

Exhortations to disregard domestic usurpations, until foreign danger shall have passed, is an artifice which may be forever used; because the possessors of power, who are the advocates for its extension, can ever create national embarrassments, to be successively employed to soothe the people into sleep, whilst that power is swelling, silently, secretly, and fatally. Of the same character are insinuations of a foreign influence, which seize upon a laudable enthusiasm against danger from abroad, and distort it by an unnatural application, so as to blind your eyes against danger at home.

The Sedition act presents a scene, which was never expected by the early friends of the Constitution. It was then admitted that the *State sovereignties were only diminished, by powers specifically enumerated*, or necessary to carry the specified powers into effect. Now Federal authority is deduced from *implication*, and from the existence of State law it is inferred, that Congress possess a similar power of legislation; whence Congress will be endowed with a power of legislation, in all cases whatsoever, and the States will be stript of every right reserved, by the concurrent claims of a paramount Legislature.

The Sedition act is the offspring of these tremendous pretensions, which inflict a death wound on the sovereignty of the States.

For the honor of American understanding, we will not believe, that the people have been allured into the adoption of the Constitution, by an affectation of defining powers, whilst the

preamble would admit a construction which would erect the *will of Congress* into a power *paramount in all cases*, and therefore limited in none. On the contrary, it is evident that the objects for which the Constitution was formed were deemed attainable only by a particular enumeration and specification of each power granted to the Federal Government; reserving all others to the people, or to the States. And yet it is in vain we search for any specified power, embracing the right of legislation against the freedom of the press.

Had the States been despoiled of their sovereignty by the generality of the preamble, and had the Federal Government been endowed with whatever they should judge to be instrumental towards union, justice, tranquillity, common defence, general welfare, and the preservation of liberty, nothing could have been more frivolous than an enumeration of powers.

All the preceding arguments rising from a deficiency of constitutional power in Congress, apply to the Alien act, and this act is liable to other objections peculiar to itself. If a suspicion that aliens are dangerous, constitute the justification of that power exercised over them by Congress, then a similar suspicion will justify the exercise of a similar power over natives. Because there is nothing in the Constitution distinguishing between the power of a State to permit the residence of natives and aliens. It is, therefore, a right originally possessed, and never surrendered by the respective States, and which is rendered dear and valuable to Virginia, because it is assailed through the bosom of the Constitution, and because her peculiar situation renders the easy admission of artizans and laborers an interest of vast importance.

But this bill contains other features, still more alarming and dangerous. It dispenses with the trial by jury; it violates the judicial system; it confounds legislative, executive, and judicial powers; it punishes without trial; and it bestows upon the President despotic power over a numerous class of men. Are such measures consistent with our constitutional principles? And will an accumulation of power so extensive, in the hands of the Executive, over aliens, secure to natives the blessings of republican liberty?

If measures can mould Governments, and if an uncontrolled power of construction is surrendered to those who administer them, their progress may be easily foreseen and their end easily foretold. A lover of monarchy, who opens the treasures of corruption, by distributing emolument among devoted partizans, may at the same time be approaching his object, and

deluding the people with professions of republicanism. He may confound monarchy and republicanism, by the art of definition. He may varnish over the dexterity which ambition never fails to display, with the pliancy of language, the seduction of expediency, or the prejudices of the times. And he may come at length to avow, that so extensive a territory as that of the United States can only be governed by the energies of monarchy; that it cannot be defended, except by standing armies; and that it cannot be united, except by consolidation.

Measures have already been adopted, which may lead to these consequences. They consist:

In fiscal systems and arrangements, which keep an host of commercial and wealthy individuals, embodied and obedient, to the mandates of the treasury.

In armies and navies, which will, on the one hand, enlist the tendency of man to pay homage to his fellow creature who can feed or honor him; and on the other, employ the principle of fear, by punishing imaginary insurrections, under the pretext of preventive justice.

In swarms of officers, civil and military, who can inculcate political tenets tending to consolidation and monarchy, both by indulgences and severities; and can act as spies over the free exercise of human reason.

In restraining the freedom of the press, and investing the Executive with legislative, executive, and judicial powers, over a numerous body of men.

And, that we may shorten the catalogue, in *establishing by successive precedents such a mode of construing the Constitution, as will rapidly remove every restraint upon Federal power.*

Let history be consulted; let the man of experience reflect; nay, let the artificers of monarchy be asked, what farther materials they can need for building up their favorite system?

These are solemn, but painful truths; and yet we recommend it to you, not to forget the possibility of danger from without, although danger threatens us from within. Usurpation is indeed dreadful, but against foreign invasion, if that should happen, let us rise with hearts and hands united, and repel the attack, with the zeal of freemen, who will strengthen their title to examine and correct domestic measures, by having defended their country against foreign aggression.

Pledged as we are, fellow-citizens, to these sacred engagements, we yet humbly and fervently implore the Almighty Disposer of Events, to avert from our land war and usurpation, the scourges of mankind; to permit our fields to be cultivated

in peace; to instil into nations the love of friendly intercourse; to suffer our youth to be educated in virtue; and to preserve our morality from the pollution, invariably incident to habits of war; to prevent the laborer and husbandman from being harassed by *taxes* and *imposts;* to remove from ambition the means of disturbing the Commonwealth; to annihilate all pretexts for power afforded by war; to maintain the Constitution; and, to bless our nation with tranquillity, under whose benign influence, we may reach the summit of happiness and glory, to which we are destined by NATURE and NATURE'S GOD.

Attest, JOHN STEWART, C. H. D.

1799, January 23d. Agreed to by the Senate.

H. BROOKE, C. S.

A true copy from the original deposited in the office of the General Assembly. JOHN STEWART, Keeper of Rolls.

ANSWERS OF THE SEVERAL STATE LEGISLATURES.

STATE OF DELAWARE.

In the House of Representatives, February 1, 1799.—*Resolved,* By the Senate and House of Representatives of the State of Delaware, in General Assembly met, that they consider the resolutions from the State of Virginia as a very unjustifiable interference with the General Government and constituted authorities of the United States, and of dangerous tendency, and therefore not fit subject for the further consideration of the General Assembly.

ISAAC DAVIS, Speaker of the Senate.

STEPHEN LEWIS, Speaker of the H. of Rep's.

Test—JOHN FISHER, C. S.—JOHN CALDWELL, C. H. R.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, February, A. D. 1799.—Certain Resolutions of the Legislature of Virginia, passed on 21st of December last, being communicated to this Assembly,

1. *Resolved,* That in the opinion of this Legislature, the second section of third article of the Constitution of the United States in these words, to wit: *The Judicial power shall extend*

to all cases arising under the laws of the United States, vests in the Federal Courts, exclusively, and in the Supreme Court of the United States, ultimately the authority of deciding on the constitutionality of any act or law of the Congress of the United States.

2. *Resolved*, That for any State legislature to assume that authority, would be,

1st. Blending together legislative and judicial powers.

2d. Hazarding an interruption of the peace of the States by civil discord, in case of a diversity of opinions among the State legislatures; each State having, in that case, no resort for vindicating its own opinions, but to the strength of its own arm.

3d. Submitting most important questions of law to less competent tribunals: and

4th. An infraction of the Constitution of the United States, expressed in plain terms.

3. *Resolved*, That although for the above reasons, this legislature, in their public capacity, do not feel themselves authorized to consider and decide on the constitutionality of the Sedition and Alien laws (so called:) yet they are called upon by the exigency of this occasion, to declare, that in their private opinions, these laws are within the powers delegated to Congress, and promotive of the welfare of the United States.

4. *Resolved*, That the Governor communicate these resolutions to the supreme executive of the State of Virginia, and at the same time express to him that this legislature cannot contemplate, without extreme concern and regret, the many evil and fatal consequences which may flow from the very unwarrantable resolutions aforesaid, of the legislature of Virginia, passed on the twenty-first day of December last.

A true copy, SAMUEL EDDY, *Sec'y.*

COMMONWEALTH OF MASSACHUSETTS.

In Senate, February 9, 1799.—The Legislature of Massachusetts having taken into serious consideration the resolutions of the State of Virginia, passed the 21st day of December last, and communicated by his excellency the Governor, relative to certain supposed infractions of the Constitution of the United States, by the government thereof, and being convinced that the Federal Constitution is calculated to promote the happiness, prosperity and safety of the people of these United States, and to maintain that union of the several States, so essential to the

welfare of the whole; and being bound by solemn oath to support and defend that Constitution, feel it unnecessary to make any professions of their attachment to it, or of their firm determination to support it against every aggression, foreign or domestic.

But they deem it their duty solemnly to declare, that while they hold sacred the principle, that consent of the people is the only pure source of just and legitimate power, they cannot admit the right of the State legislatures to denounce the administration of that government to which the people themselves, by a solemn compact, have exclusively committed their national concerns: That, although a liberal and enlightened vigilance among the people is always to be cherished, yet an unreasonable jealousy of the men of their choice, and a recurrence to measures of extremity, upon groundless or trivial pretexts, have a strong tendency to destroy all rational liberty at home, and to deprive the United States of the most essential advantages in their relations abroad: That this legislature are persuaded, that the decision of all cases in law and equity, arising under the Constitution of the United States, and the construction of all laws made in pursuance thereof, are exclusively vested by the people in the judicial courts of the United States.

That the people in that solemn compact, which is declared to be the supreme law of the land, have not constituted the State legislatures the judges of the acts or measures of the Federal Government, but have confided to them the power of proposing such amendments of the Constitution, as shall appear to them necessary to the interests, or conformable to the wishes of the people whom they represent.

That by this construction of the Constitution, an amicable and dispassionate remedy is pointed out for any evil which experience may prove to exist, and the peace and prosperity of the United States may be preserved without interruption.

But, should the respectable State of Virginia persist in the assumption of the right to declare the acts of the National Government unconstitutional, and should she oppose successfully her force and will to those of the nation, the Constitution would be reduced to a mere cypher, to the form and pageantry of authority, without the energy of power. Every act of the Federal Government which thwarted the views or checked the ambitious projects of a particular State, or of its leading and influential members, would be the object of opposition and of remonstrance; while the people, convulsed and confused by the conflict between two hostile jurisdictions, enjoying the pro-

tection of neither, would be wearied into a submission to some bold leader, who would establish himself on the ruins of both.

The legislature of Massachusetts, although they do not themselves claim the right, nor admit the authority of any of the State governments, to decide upon the constitutionality of the acts of the Federal Government, still, least their silence should be construed into disapprobation, or at best into a doubt of the constitutionality of the acts referred to by the State of Virginia; and, as the General Assembly of Virginia has called for an expression of their sentiments, do explicitly declare, that they consider the acts of Congress, commonly called "the Alien and Sedition acts," not only constitutional, but expedient and necessary: That the former act respects a description of persons whose rights were not particularly contemplated in the Constitution of the United States, who are entitled only to a temporary protection, while they yield a temporary allegiance; a protection which ought to be withdrawn whenever they become "dangerous to the public safety," or are found guilty of "treasonable machination" against the government: That Congress having been especially entrusted by the people with the general defence of the nation, had not only the right, but were bound to protect it against internal as well as external foes. That the United States, at the time of passing the *act concerning aliens*, were threatened with actual invasion, had been driven by the unjust and ambitious conduct of the French Government into warlike preparations, expensive and burthensome, and had then, within the bosom of the country, thousands of aliens, who, we doubt not, were ready to co-operate in any external attack.

It cannot be seriously believed, that the United States should have waited till the poignard had in fact been plunged. The removal of aliens is the usual preliminary of hostility, and is justified by the invariable usages of nations. Actual hostility had unhappily long been experienced, and a formal declaration of it the government had reason daily to expect. The law, therefore, was just and salutary, and no officer could with so much propriety be entrusted with the execution of it, as the one in whom the Constitution has reposed the executive power of the United States.

The *Sedition act*, so called, is, in the opinion of this legislature, equally defensible. The General Assembly of Virginia, in their resolve under consideration, observe, that when that State by its convention, ratified the Federal Constitution, it expressly declared, "That, among other essential rights, the

liberty of conscience and of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States," and from its extreme anxiety to guard these rights from every possible attack of sophistry or ambition, with other States, recommend an amendment for that purpose: which amendment was, in due time, annexed to the Constitution; but they did not surely expect that the proceedings of their State convention were to explain the amendment adopted by the Union. The words of that amendment, on this subject, are, "Congress shall make no law abridging the freedom of speech or of the press."

The act complained of is no abridgment of the freedom of either. The genuine liberty of speech and the press, is the liberty to utter and publish the truth; but the constitutional right of the citizen to utter and publish the truth, is not to be confounded with the licentiousness in speaking and writing, that is only employed in propagating falsehood and slander. This freedom of the press has been explicitly secured by most, if not all the State constitutions; and of this provision there has been generally but one construction among enlightened men; that it is a security for the rational use and not the abuse of the press; of which the courts of law, the juries and people will judge; this right is not infringed, but confirmed and established by the late act of Congress.

By the Constitution, the legislative, executive and judicial departments of government are ordained and established; and general enumerated powers vested in them respectively, including those which are prohibited to the several States. Certain powers are granted in general terms by the people to their General Government, for the purposes of their safety and protection. The government is not only empowered, but it is made their duty to repel invasions and suppress insurrections; to guarantee to the several States a republican form of government; to protect each State against invasion, and, when applied to, against domestic violence; to hear and decide all cases in law and equity, arising under the Constitution, and under any treaty or law made in pursuance thereof; and all cases of admiralty and maritime jurisdiction, and relating to the law of nations. Whenever, therefore, it becomes necessary to effect any of the objects designated, it is perfectly consonant to all just rules of construction, to infer, that the usual means and powers necessary to the attainment of that object, are also granted: But the Constitution has left no occasion to resort to implication for these powers; it has made an express grant of

them, in the 8th section of the first article, which ordains, "That Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by the Constitution in the government of the United States or in any department or officer thereof."

This Constitution has established a Supreme Court of the United States, but has made no provision for its protection, even against such improper conduct in its presence, as might disturb its proceedings, unless expressed in the section before recited. But as no statute has been passed on this subject, this protection is, and has been for nine years past, uniformly found in the application of the principles and usages of the common law. The same protection may unquestionably be afforded by a statute passed in virtue of the before mentioned section, as necessary and proper, for carrying into execution the powers vested in that department. A construction of the different parts of the Constitution, perfectly just and fair, will, on analogous principles, extend protection and security against the offences in question, to the other departments of government, in discharge of their respective trusts.

The President of the United States is bound by his oath "to preserve, protect and defend the Constitution," and it is expressly made his duty "to take care that the laws be faithfully executed;" but this would be impracticable by any created being, if there could be no legal restraint of those scandalous misrepresentations of his measures and motives, which directly tend to rob him of the public confidence. And equally impotent would be every other public officer, if thus left to the mercy of the seditious.

It is holden to be a truth most clear, that the important trusts before enumerated cannot be discharged by the government to which they are committed, without the power to restrain seditious practices and unlawful combinations against itself, and to protect the officers thereof from abusive misrepresentations. Had the Constitution withheld this power, it would have made the government responsible for the effects without any control over the causes which naturally produce them, and would have essentially failed of answering the great ends for which the people of the United States declare, in the first clause of that instrument, that they establish the same, viz: "To form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote

the general welfare, and secure the blessings of liberty to ourselves and posterity."

Seditious practices and unlawful combinations against the Federal Government, or any officer thereof, in the performance of his duty, as well as licentiousness of speech and of the press, were punishable on the principles of common law in the courts of the United States, before the act in question was passed. This act then is an amelioration of that law in favor of the party accused, as it mitigates the punishment which that authorizes, and admits of any investigation of public men and measures which is regulated by truth. It is not intended to protect men in office, only as they are agents of the people. Its object is to afford legal security to public offices and trusts created for the safety and happiness of the people, and therefore the security derived from it is for the benefit of the people, and is their right.

This construction of the Constitution and of the existing law of the land, as well as the act complained of, the legislature of Massachusetts most deliberately and firmly believe results from a just and full view of the several parts of the Constitution: and they consider that act to be wise and necessary, as an audacious and unprincipled spirit of falsehood and abuse had been too long unremittingly exerted for the purpose of perverting public opinion, and threatened to undermine and destroy the whole fabric of government.

The legislature further declare, that in the foregoing sentiments they have expressed the general opinion of their constituents, who have not only acquiesced without complaint in those particular measures of the Federal Government, but have given their explicit approbation by re-electing those men who voted for the adoption of them. Nor is it apprehended, that the citizens of this State will be accused of supineness or of an indifference to their constitutional rights; for, while on the one hand, they regard with due vigilance the conduct of the government; on the other, their freedom, safety and happiness require, that they should defend that government and its constitutional measures against the open or insidious attacks of any foe, whether foreign or domestic.

And, lastly, that the legislature of Massachusetts feel a strong conviction, that the several United States are connected by a common interest which ought to render their union indissoluble, and that this State will always co-operate with its confede-

rate States in rendering that union productive of mutual security, freedom and happiness.

Sent down for concurrence.

SAMUEL PHILIPS, *President.*

In the House of Representatives, Feb. 13, 1799,

Read and concurred.

EDWARD H. ROBBINS, *Speaker.*

A true copy. Attest. JOHN AVERY, *Secretary.*

STATE OF NEW YORK.

In Senate, March 5, 1799.—Whereas, the people of the United States have established for themselves a free and independent national government: And whereas it is essential to the existence of every government, that it have authority to defend and preserve its constitutional powers inviolate, inasmuch as every infringement thereof tends to its subversion. And whereas the judicial power extends expressly to all cases of law and equity arising under the Constitution and the laws of the United States whereby the interference of the legislatures of the particular States in those cases is manifestly excluded. And, whereas, our peace, prosperity and happiness, eminently depend on the preservation of the Union, in order to which, a reasonable confidence in the constituted authorities and chosen representatives of the people is indispensable. And, whereas, every measure calculated to weaken that confidence has a tendency to destroy the usefulness of our public functionaries, and to excite jealousies equally hostile to rational liberty, and the principles of a good republican government. And, whereas, the Senate not perceiving that the rights of the particular States have been violated, nor any unconstitutional powers assumed by the General Government, cannot forbear to express the anxiety and regret with which they observe the inflammatory and pernicious sentiments and doctrines which are contained in the resolutions of the legislatures of Virginia and Kentucky—sentiments and doctrines, no less repugnant to the Constitution of the United States, and the principles of their union, than destructive to the Federal Government, and unjust to those whom the people have elected to administer it: wherefore, *Resolved*, That while the Senate feel themselves constrained to bear unequivocal testimony against such sentiments and doctrines, they deem it a duty no less indispensable, explicitly to declare their incompetency, as a branch of the legislature of this State, to supervise the acts of the General Government.

Resolved, That his excellency, the Governor, be, and he is hereby requested to transmit a copy of the foregoing resolution to the executives of the States of Virginia and Kentucky, to the end that the same may be communicated to the legislatures thereof.

A true copy. ABM. B. BAUCKER, *Clerk.*

STATE OF CONNECTICUT.

At a General Assembly of the State of Connecticut, holden at Hartford, in the said State, on the second Thursday of May, Anno Domini, 1799, his excellency the Governor having communicated to this assembly sundry resolutions of the Legislature of Virginia adopted in December, 1798, which relate to the measures of the General Government, and the said resolutions having been considered, it is

Resolved, That this assembly views with deep regret, and explicitly disavows, the principles contained in the aforesaid resolutions; and particularly the opposition to the "Alien and Sedition acts"—acts which the constitution authorised: which the exigency of the country rendered necessary: which the constituted authorities have enacted, and which merit the entire approbation of this assembly. They, therefore, decidedly refuse to concur with the Legislature of Virginia, in promoting any of the objects attempted in the aforesaid resolutions.

And it is further resolved, That his excellency the Governor be requested to transmit a copy of the foregoing resolution to the Governor of Virginia, that it may be communicated to the Legislature of that State.

Passed in the House of Representatives unanimously.

Attest, JOHN C. SMITH, *Clerk.*

Concurred, unanimously, in the Upper House.

Teste, SAM. WYLLYS, *Sec'ry.*

STATE OF NEW HAMPSHIRE.

In the House of Representatives, June 14, 1799.—The committee, to take into consideration the resolutions of the general assembly of Virginia, dated December 21st, 1798; also certain resolutions of the Legislature of Kentucky, of the 10th of November, 1798, report as follows:

The Legislature of New Hampshire having taken into consideration certain resolutions of the general assembly of Virginia, dated December 21, 1798; also certain resolutions of the Legislature of Kentucky, of the 10th of November, 1798,

Resolved, That the Legislature of New Hampshire unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression, either foreign or domestic, and that they will support the Government of the United States in all measures warranted by the former.

That the State Legislatures are not the proper tribunals to determine the constitutionality of the laws of the General Government—that the duty of such decision is properly and exclusively confided to the judicial department.

That if the Legislature of New Hampshire, for mere speculative purposes, were to express an opinion on the acts of the General Government, commonly called "the Alien and Sedition bills," that opinion would unreservedly be, that those acts are constitutional, and, in the present critical situation of our country, highly expedient.

That the constitutionality and expediency of the acts aforesaid have been very ably advocated and clearly demonstrated by many citizens of the United States, more especially by the minority of the General Assembly of Virginia. The Legislature of New Hampshire, therefore, deem it unnecessary, by any train of arguments, to attempt further illustration of the propositions, the truth of which, it is confidently believed, at this day, is very generally seen and acknowledged.

Which report being read and considered, was unanimously received and accepted, one hundred and thirty-seven members being present.

Sent up for concurrence. JOHN PRENTICE, *Speaker.*

In Senate, same day, read and concurred in unanimously.
AMOS SHEPARD, *President.*

Approved, June 15th, 1799.
J. T. GILMAN, *Governor.*
A true copy. Attest, JOSEPH PEARSON, *Secretary.*

STATE OF VERMONT.

In the House of Representatives, October 30th, A. D., 1799. The House proceeded to take under their consideration the resolutions of the General Assembly of Virginia, relative to certain measures of the General Government, transmitted to the Legislature of this State, for their consideration: Whereupon,

Resolved, That the General Assembly of the State of Vermont do highly disapprove of the resolutions of the General Assembly of the State of Virginia, as being unconstitutional in

their nature, and dangerous in their tendency. It belongs not to State Legislatures to decide on the constitutionality of laws made by the General Government; this power being exclusively vested in the judiciary courts of the Union: That his excellency the Governor be requested to transmit a copy of this resolution to the executive of Virginia, to be communicated to the General Assembly of that State: And that the same be sent to the Governor and Council for their concurrence.

SAMUEL C. CRAFTS, *Clerk.*

In Council, October 30, 1799. Read and concurred in unanimously. RICHARD WHITNEY, *Secretary.*

KENTUCKY RESOLUTIONS OF 1798 AND 1799.

[The original draught prepared by Thomas Jefferson.]

The following Resolutions passed the House of Representatives of Kentucky, Nov. 10*th*, 1798. *On the passage of the first Resolution, one dissentient;* 2*d*, 3*d*, 4*th*, 5*th*, 6*th*, 7*th*, 8*th*, *two dissentients;* 9*th*, *three dissentients.*

I. *Resolved*, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that by compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and, that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State acceded as a State, and is an integral party; that this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but, that as in all other cases of compact, among parties having no common judge, EACH PARTY HAS AN EQUAL RIGHT TO JUDGE FOR ITSELF, AS WELL OF INFRACTIONS AS OF THE MODE AND MEASURE OF REDRESS.

II. *Resolved*, That the Constitution of the United States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States, piracies and felonies committed on the high seas, and offences

against the laws of nations, and no other crimes whatever; and it being true, as a general principle, and one of the amendments to the Constitution having also declared, "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," therefore, also, the same act of Congress, passed on the 14th day of July, 1798, and entitled, "An act in addition to the act entitled an act for the punishment of certain crimes against the United States;" as also, the act passed by them on the 27th day of June, 1798, entitled, "An act to punish frauds committed on the Bank of the United States," (and all other their acts which assume to create, define, or punish crimes other than those enumerated in the Constitution) *are altogether void and of no force*, and that the power to create, define, and punish such other crimes is reserved, and of right appertains solely and exclusively to the respective States, each within its own territory.

III. *Resolved*, That it is true, as a general principle, and is also expressly declared by one of the amendments to the Constitution, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people;" and, that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved to the States or to the people; that thus was manifested their determination to retain to themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessoning their useful freedom, and how far those abuses which cannot be separated from their use should be tolerated rather than the use be destroyed; and thus also they guarded against all abridgment by the United States, of the freedom of religious principles and exercises, and retained to themselves the right of protecting the same, as this, stated by a law passed on the general demand of its citizens, had already protected them from all human restraint or interference: and, that, in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares, that "Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press," thereby guarding in the same sentence, and under the same

words, the freedom of religion, of speech, and of the press, insomuch, that whatever violates either, throws down the sanctuary which covers the others; and that libels, falsehood, and defamation, equally with heresy and false religion, are withheld from the cognizance of Federal tribunals. That therefore the act of the Congress of the United States, passed on the 14th of July, 1798, entitled, "An act in addition to the act entitled an act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is NOT LAW, but is altogether VOID and OF NO FORCE.

IV. *Resolved*, That alien friends are under the jurisdiction and protection of the laws of the State wherein they are: that no power over them has been delegated to the United States, nor prohibited to the individual States distinct from their power over citizens; and it being true, as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people," the act of the Congress of the United States, passed the 22d day of June, 1798, entitled, "An act concerning aliens," which assumes power over alien friends not delegated by the Constitution, is NOT LAW, but is altogether VOID and OF NO FORCE.

V. *Resolved*, That in addition to the general principle as well as the express declaration, that powers not delegated are reserved, another and more special provision inferred in the Constitution, from abundant caution has declared, "that the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." That this Commonwealth does admit the migration of alien friends described as the subject of the said act concerning aliens; that a provision against prohibiting their migration, is a provision against all acts equivalent thereto, or it would be nugatory; that to remove them when migrated is equivalent to a prohibition of their migration, and is, therefore, contrary to the said provision of the Constitution, and *void*.

VI. *Resolved*, That the imprisonment of a person under the protection of the laws of this Commonwealth on his failure to obey the simple order of the President to depart out of the United States, as is undertaken by the said act, entitled, "An act concerning aliens," is contrary to the Constitution, one amendment in which has provided, that "no person shall be deprived of liberty without due process of law," and, that

another having provided, "that in all criminal prosecutions, the accused shall enjoy the right to a public trial by an impartial jury, to be informed as to the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have assistance of counsel for his defence," the same act undertaking to authorize the President to remove a person out of the United States who is under the protection of the law, on his own suspicion, without jury, without public trial, without confrontation of the witnesses against him, without having witnesses in his favor, without defence, without counsel, is contrary to these provisions also of the Constitution, is therefore NOT LAW, but utterly VOID and OF NO FORCE.

That transferring the power of judging any person who is under the protection of the laws, from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution which provides, that, "the judicial power of the United States shall be vested in the courts, the judges of which shall hold their office during good behavior," and that the said act is void for that reason also; and it is further to be noted that this transfer of judiciary power is to that magistrate of the General Government who already possesses all the executive, and a qualified negative in all the legislative powers.

VII. *Resolved*, That the construction applied by the General Government (as is evident by sundry of their proceedings) to those parts of the Constitution of the United States which delegate to Congress power to lay and collect taxes, duties, imposts, excises; to pay the debts, and provide for the common defence, and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the government of the United States, or any department thereof, goes to the destruction of all the limits prescribed to their power by the Constitution: That words meant by that instrument to be subsidiary only to the execution of the limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part so to be taken as to destroy the whole residue of the instrument: That the proceedings of the General Government under color of those articles, will be a fit and necessary subject for revisal and correction at a time of greater tranquillity, while those specified in the preceding resolutions call for immediate redress.

VIII. *Resolved*, That the preceding resolutions be transmit-

ted to the Senators and Representatives in Congress from this Commonwealth, who are enjoined to present the same to their respective houses, and to use their best endeavors to procure at the next session of Congress a repeal of the aforesaid unconstitutional and obnoxious acts.

IX. *Resolved lastly,* That the Governor of this Commonwealth be, and is hereby authorized and requested to communicate the preceding resolutions to the legislatures of the several States, to assure them that this Commonwealth considers union for special national purposes, and particularly for those specified in their late federal compact, to be friendly to the peace, happiness and prosperity of all the States—that faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several parties, it is sincerely anxious for its preservation; that it does also believe, that to take from the States all the powers of self-government, and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these States; And that, therefore, this Commonwealth is determined, as it doubts not its co-States are, to *submit* to *undelegated* and consequently unlimited *powers in no man, or body of men on earth:* that if the acts before specified should stand, these conclusions would flow from them; that the General Government may place any act they think proper on the list of crimes and punish it themselves, whether enumerated or not enumerated by the Constitution as cognizable by them; that they may transfer its cognizance to the President or any other person, who may himself be the accuser, counsel, judge, and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transaction; that a very numerous and valuable description of the inhabitants of these States, being by this precedent reduced as outlaws to the absolute dominion of one man and the barriers of the Constitution thus swept from us all, no rampart now remains against the passions and the power of a majority of Congress, to protect from a like exportation or other grievous punishment the minority of the same body, the legislatures, judges, governors, and counsellors of the States, nor their other peaceable inhabitants who may venture to reclaim the constitutional rights and liberties of the States and people, or who, for other causes, good or bad, may be obnoxious to the view or marked by the suspicions of the President, or to be thought dangerous to his or their elec-

tions or other interests, public or personal; that the friendless alien has been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather has already followed; for, already has a sedition act marked him as a prey: That these and successive acts of the same character, unless *arrested on the threshold,* may tend to drive these States into revolution and blood, and will furnish new calumnies against republican governments, and new pretexts for those who wish it to be believed, that man cannot be governed but by a rod of iron; that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights; that confidence is every where the parent of despotism; free government is found in jealousy and not in confidence; it is jealousy and not confidence which prescribes limited constitutions to bind down those whom we are obliged to trust with power; that our Constitution has accordingly fixed the limits to which, and no farther, our confidence may go; and let the honest advocate of confidence read the Alien and Sedition acts, and say if the Constitution has not been wise in fixing limits to the government it created, and whether we should be wise in destroying those limits? Let him say what the government is, if it be not a tyranny, which the men of our choice have conferred on the President, and the President of our choice has assented to and accepted over the friendly strangers, to whom the mild spirit of our country and its laws had pledged hospitality and protection; that the men of our choice have more respected the bare suspicions of the President than the solid rights of innocence, the claims of justification, the sacred force of truth, and the forms and substance of law and justice. In questions of power, then, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution. That THIS COMMONWEALTH DOES THEREFORE CALL ON ITS CO-STATES for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes herein before specified, plainly declaring whether these acts are or are not authorized by the federal compact. *And it doubts not that their sense will be so announced as to prove their attachment to limited government, whether general or particular, and that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked on a common bottom with their own: But they will concur with this Commonwealth in considering the said acts as so palpably against the Constitution as to amount to an undisguised declaration, that the compact is not meant to be the measure of the powers of the*

General Government, but that it will proceed in the exercise over these States of all powers whatsoever. That they will view this as seizing the rights of the States and consolidating them in the hands of the General Government, with a power assumed to bind the States (not merely in cases made federal) but in all cases whatsoever, by laws made, not with their consent, but by others against their consent; that this would be to surrender the form of government we have chosen, and live under one deriving its powers from its own will, and not from our authority; and that the co-States recurring to their natural rights in cases not made federal, will concur in declaring these VOID *and of no* FORCE, *and will each unite with this Commonwealth in requesting their repeal at the next session of Congress.*

EDMUND BULLOCK, S. H. R.
JOHN CAMPBELL, S. S. P. T.

Passed the House of Representatives, Nov. 10, 1798.
Attest, THOS. TODD, C. H. R.

In SENATE, Nov. 13, 1789—Unanimously concurred in.
Attest, B. THURSTON, C. S.

Approved, November 19th, 1798.
JAMES GARRARD, Governor of Kentucky.

By the Governor,
HARRY TOULMIN, Secretary of State.

HOUSE OF REPRESENTATIVES, *Thursday, Nov.* 14, 1799.

The House, according to the standing order of the day, resolved itself into a Committee of the whole House, on the state of the Commonwealth, Mr. Desha in the chair; and, after some time spent therein, the Speaker resumed the chair, and Mr. Desha reported, that the Committee had taken under consideration sundry resolutions passed by several State Legislatures, on the subject of the Alien and Sedition Laws, and had come to a resolution thereupon, which he delivered in at the Clerk's table, where it was read and *unanimously* agreed to by the House, as follows:

The representatives of the good people of this Commonwealth, in General Assembly convened, having maturely considered the answers of sundry States in the Union, to their resolutions passed the last session, respecting certain unconstitutional laws of Congress, commonly called the Alien and Sedition Laws, would be faithless, indeed, to themselves and to those they represent, were they silently to acquiesce in the principles and

doctrines attempted to be maintained in all those answers, that of Virginia only excepted. To again enter the field of argument, and attempt more fully or forcibly to expose the unconstitutionality of those obnoxious laws, would, it is apprehended, be as unnecessary as unavailing. We cannot, however, but lament, that, in the discussion of those interesting subjects, by sundry of the Legislatures of our sister States, unfounded suggestions, and uncandid insinuations, derogatory to the true character and principles of this Commonwealth, have been substituted in place of fair reasoning and sound argument. Our opinions of these alarming measures of the General Government, together with our reasons for those opinions, were detailed with decency, and with temper, and submitted to the discussion and judgment of our fellow-citizens throughout the Union. Whether the like decency and temper have been observed in the answers of most of those States, who have denied or attempted to obviate the great truths contained in those resolutions, we have now only to submit to a candid world. Faithful to the true principles of the Federal Union, unconscious of any designs to disturb the harmony of that Union, and anxious only to escape the fangs of despotism, the good people of this Commonwealth are regardless of censure or calumniation. Least, however, the silence of this Commonwealth should be construed into an acquiescence in the doctrines and principles advanced and attempted to be maintained by the said answers, or least those of our fellow-citizens throughout the Union who so widely differ from us on those important subjects, should be deluded by the expectation, that we shall be deterred from what we conceive our duty, or shrink from the principles contained in those resolutions—therefore,

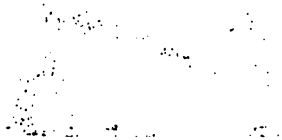
Resolved, That this Commonwealth considers the Federal Union, upon the terms and for the purposes specified in the late compact, as conducive to the liberty and happiness of the several States: That it does now unequivocally declare its attachment to the Union, and to that compact, agreeably to its obvious and real intention, and will be among the last to seek its dissolution: That if those who administer the General Government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the State Governments, and the creation upon their ruins of a General Consolidated Government, will be the inevitable consequence: THAT THE PRINCIPLE AND CONSTRUCTION CONTENDED FOR BY SUNDRY OF THE STATE LEGISLATURES, THAT THE GENERAL GOVERNMENT IS THE EXCLU-

SIVE JUDGE OF THE EXTENT OF THE POWERS DELEGATED TO IT, STOP NOTHING SHORT OF DESPOTISM—SINCE THE DISCRETION OF THOSE WHO ADMINISTER THE GOVERNMENT, AND NOT THE CONSTITUTION, WOULD BE THE MEASURE OF THEIR POWERS: That the several States who formed that instrument being sovereign and independent have the unquestionable right to judge of the infraction; and, THAT A NULLIFICATION BY THOSE SOVEREIGNTIES, OF ALL UNAUTHORIZED ACTS DONE UNDER COLOR OF THAT INSTRUMENT IS THE RIGHTFUL REMEDY: That this Commonwealth does, under the most deliberate reconsideration, declare, that the said Alien and Sedition Laws are, in their opinion, palpable violations of the said Constitution; and, however cheerful it may be disposed to surrender its opinion to a majority of its sister States, in matters of ordinary or doubtful policy, yet, in no momentous regulations like the present, which so vitally wound the best rights of the citizen, it would consider a silent acquiescence as highly criminal: That although this Commonwealth, as a party to the Federal compact, will bow to the laws of the Union, yet, it does at the same time declare, that it will not now, or ever hereafter, cease to oppose in a constitutional manner every attempt, at what quarter soever offered, to violate that compact. And, finally, in order that no pretext or arguments may be drawn from a supposed acquiescence, on the part of this Commonwealth, in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the Federal compact—this Commonwealth does now enter against them its SOLEMN PROTEST.

Extract, &c. Attest, THOS. TODD, C. H. R.

In SENATE, Nov. 22, 1799—Read and concurred in.

Attest, B. THURSTON, C. S.



APPENDIX.

ORDINANCE OF 1787.

CESSION FROM THE STATE OF VIRGINIA.

Whereas the General Assembly of Virginia, at their session, commencing on the 20th day of October, 1783, passed an act to authorize their delegates in Congress to convey to the United States in Congress assembled, all the right of that Commonwealth to the territory northwestward of the river Ohio: and whereas the delegates of the said Commonwealth have presented to Congress the form of a deed proposed to be executed pursuant to the said act, in the words following:

To all who shall see these presents, we, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, the underwritten delegates for the Commonwealth of Virginia, in the Congress of the United States of America, send greeting:

Whereas the General Assembly of the Commonwealth of Virginia, at their sessions, begun on the 20th day of October, 1783, passed an act, entitled, "An act to authorize the delegates of this State in Congress to convey to the United States in Congress assembled, all the right of this Commonwealth to the territory northwestward of the river Ohio," in these words following, to wit:

"Whereas the Congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the Union: and whereas this Commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty-one, yield to the Congress of the United States, for the benefit of the said States, all right, title, and claim, which

the said Commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession. And whereas the United States in Congress assembled have, by their act of the thirteenth of September last, stipulated the terms on which they agree to accept the cession of this State, should the Legislature approve thereof, which terms, although they do not come fully up to the propositions of this Commonwealth, are conceived, on the whole, to approach so nearly to them, as to induce this State to accept thereof, in full confidence, that Congress will, in justice to this State, for the liberal cession she hath made, earnestly press upon the other States claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the Union. Be it enacted by the General Assembly, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, subject to the terms and conditions contained in the before recited act of Congress of the thirteenth day of September last; that is to say, upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: and that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States.

That the necessary and reasonable expenses incurred by this State, in subduing any British posts, or in maintaining forts and garrisons within, and for the defence, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by Congress, one by this Commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and

liquidate the account of the necessary and reasonable expenses incurred by this State, which they shall judge to be comprised within the intent and meaning of the act of Congress, of the tenth of October, one thousand seven hundred and eighty, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this State, shall be allowed and granted to the then colonel, now general George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the post of Kaskaskies and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place, on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops, upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. Provided, that the trust hereby reposed in the delegates of this State shall not be executed unless three of them at least are present in Congress.

And whereas the said General Assembly, by their resolution of June sixth, one thousand seven hundred and eighty-three, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said Commonwealth in Congress for one year, from the first Monday in November then next following, which resolution remains in full force: Now, therefore, know ye, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said General Assembly of Virginia, before recited, and in the name, and for and on behalf, of the said Commonwealth, do, by these presents, convey, transfer, assign, and make over, unto the United States, in Congress assembled, for the benefit of the said States, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and of the Independence of the United States the eighth.

Resolved, That the United States in Congress assembled are ready to receive this deed, whenever the delegates of the State of Virginia are ready to execute the same.

The delegates of Virginia then proceeded and signed, sealed, and delivered the said deed; whereupon Congress came to the following resolution:

The delegates of the Commonwealth of Virginia having executed the deed,

Resolved, That the same be recorded and enrolled among the acts of the United States, in Congress assembled.

Resolved, That it be, and it hereby is, recommended to the Legislature of Virginia, to take into consideration their act of cession: and revise the same, so far as to empower the United States in Congress assembled, to make such a division of the territory of the United States, lying northerly and westerly of the river Ohio, into distinct republican States, not more than five nor less than three, as the situation of that country and future

circumstances may require; which States shall hereafter become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the original States: in conformity with the resolution of Congress of the tenth October, 1780.*

According to order, the ordinance for the government of the territory of the United States northwest of the river Ohio, was read a third time, and passed, as follows:

An ordinance for the government of the territory of the United States northwest of the river Ohio.

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child, in equal parts; the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them: and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents' share; and there shall, in no case, be a distinction between kindred of the whole and half-blood; saving in all cases to the widow of the intestate her third part of the

* *Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress, of the sixth day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States: that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: that the necessary and reasonable expenses which any particular State shall have incurred, since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within, and for the defence, or in acquiring any part of, the territory that may be ceded or relinquished to the United States, shall be reimbursed:

That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.—*Journals of Congress, October* 10, 1780.

real estate for life, and one-third part of the personal estate; and this law relative to descents and dower shall remain in full force until altered by the Legislature of the district. And until the governor and judges shall adopt laws as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age,) and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered, by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress: he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed, from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the Legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate, in five hundred acres of land, while in the exercise of their offices; and their commissions shall continue in force during good behavior.

The governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the

circumstances of the district, and report them to Congress, from time to time; which laws shall be in force in the district until the organization of the General Assembly therein, unless disapproved of by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

The Governor for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the General Assembly, the Governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the General Assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said Assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary Government, be appointed by the Governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district; and for the execution of process, criminal and civil, the Governor shall make proper divisions thereof; and he shall proceed from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the Legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the Governor, they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the General Assembly; provided that, for every five hundred free male inhabitants, there shall be one representative, and so on, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which the number and proportion of representatives shall be regulated by the Legislature; provided, that no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and in either case, shall likewise hold in his own right, in fee simple, two hundred acres

of land within the same; provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected shall serve for the term of two years; and in case of the death of a representative, or removal from office, the Governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

The General Assembly, or Legislature, shall consist of the Governor, Legislative Council, and a House of Representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum: and the members of the Council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the Governor shall appoint a time and place for them to meet together, and when met, they shall nominate ten persons, residents in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid: and whenever a vacancy shall happen in the Council, by death or removal from office, the House of Representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term: And every five years, four months at least before the expiration of the time of service of the members of the Council, the said House shall nominate ten persons, qualified as aforesaid, and return their names to Congress; five of whom Congress shall appoint and commission to serve as members of the Council five years, unless sooner removed. And the Governor, Legislative Council, and House of Representatives, shall have authority to make laws, in all cases, for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills, having passed by a majority in the House, and by a majority in the Council, shall be referred to the Governor for his assent; but no bill or legislative act whatever shall be of any force without his assent. The Governor shall have power to convene, prorogue, and dissolve the General Assembly, when in his opinion it shall be expedient.

The Governor, Judges, Legislative Council, Secretary, and

such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the Governor before the President of Congress, and all other officers before the Governor. As soon as a Legislature shall be formed in the district, the Council and House assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting during this temporary Government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the Federal Councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and for ever remain unalterable, unless by common consent, to wit:

ART. 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offences, where the proof shall be evident, or the presumption great. All fines shall be moderate: and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with, or affect, private contracts or engagements, bona fide, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said territory, and the States which may be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the Legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary, for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. 5. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to the same, shall become fixed and established as

follows, to wit: the western State in the said territory, shall be bounded by the Mississippi, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle State shall be bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: provided however, and it is further understood and declared, that the boundaries of these three States shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent constitution and State government: provided the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles; and, so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April, 1784,* relative to the subject of this

* *Resolved*, That so much of the territory ceded or to be ceded by individual States to the United States, as is already purchased or shall be purchased of the Indian inhabitants, and offered for sale by Congress, shall be divided into distinct States in the following manner, as nearly as such cessions will admit; that is to say, by parallels of latitude, so that each State shall comprehend from north to south two degrees

ordinance, be, and the same are hereby repealed and declared null and void. Done, &c.

Whereas the United States in Congress assembled did, on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons, showing that a division of the territory which hath been ceded to the said United States, by this commonwealth, into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such a division of the said territory into distinct and republican States, not more than five nor less than three in number, as the situation of that country and future circumstances might require: and the said United States in Congress assembled have, in an ordinance for the government of the territory northwest of the river Ohio, passed on the thirteenth of

of latitude, beginning to count from the completion of forty-five degrees north of the equator: and by meridians of longitude, one of which shall pass through the lowest point of the rapids of Ohio, and the other through the western cape of the mouth of the great Kanhaway; but the territory eastward of this last meridian, between the Ohio, lake Erie, and Pennsylvania, shall be one State, whatsoever may be its comprehension of latitude. That which may lie beyond the completion of the 45th degree, between the said meridians, shall make part of the State adjoining it on the south; and that part of the Ohio, which is between the same meridians, coinciding nearly with the parallel of 39 degrees, shall be substituted so far in lieu of that parallel as a boundary line.

That the settlers on any territory so purchased and offered for sale, shall, either on their own petition or on the order of Congress, receive authority from them, with appointments of time and place, for their free males of full age, within the limits of their State, to meet together, for the purpose of establishing a temporary government, to adopt the constitution and laws of any one of the original States, so that such laws, nevertheless, shall be subject to alteration by their ordinary legislature; and to erect, subject to a like alteration, counties, townships, or other divisions, for the election of members for their legislature.

That when any such State shall have acquired twenty thousand free inhabitants, on giving due proof thereof to Congress, they shall receive from them authority, with appointments of time and place, to call a convention of representatives to establish a permanent constitution and government for themselves. Provided, that both the temporary and permanent governments be established on these principles as their basis:

1. That they shall for ever remain a part of this confederacy of the United States of America.

2. That they shall be subject to the articles of confederation in all those cases in which the original States shall be so subject, and to all the acts and ordinances of the United States in Congress assembled, conformable thereto.

3. That they, in no case, shall interfere with the primary disposal of the soil by the United States in Congress assembled, nor with the ordinances and regulations which Congress may find necessary for securing the title in such soil to the bona fide purchasers.

4. That they shall be subject to pay a part of the federal debts contracted, or to be contracted, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States.

July, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original States and the people and States in the said territory, viz:

[Here the 5th article of compact, of the ordinance of Congress of 13th July, 1787, is recited verbatim. See ante, page 297.]

And it is expedient that this Commonwealth do assent to the proposed alteration, so as to ratify and confirm the said article of compact between the original States and the people and States in the said territory.

2. Be it, therefore, enacted, by the General Assembly, That the aforerecited article of compact, between the original States and the people and States in the territory northwest of Ohio river, be, and the same is hereby ratified and confirmed, any thing to the contrary, in the deed of cession of the said territory by this Commonwealth to the United States, notwithstanding.

5. That no tax shall be imposed on lands the property of the United States.

6. That their respective governments shall be republican.

7. That the lands of non-resident proprietors shall, in no case, be taxed higher than those of residents within any new State, before the admission thereof to a vote by its delegates in Congress.

That whensoever any of the said States shall have, of free inhabitants, as many as shall then be in any one the least numerous of the thirteen original States, such State shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original States; provided the consent of so many States in Congress is first obtained as may, at the time, be competent to such admission. And in order to adapt the said articles of confederation to the state of Congress when its numbers shall be thus increased, it shall be proposed to the legislatures of the States, originally parties thereto, to require the assent of two-thirds of the United States in Congress assembled, in all those cases wherein, by the said articles, the assent of nine States is now required, which, being agreed to by them, shall be binding on the new States. Until such admission by their delegates into Congress, any of the said States, after the establishment of their temporary government, shall have authority to keep a member in Congress, with a right of debating, but not of voting.

That measures, not inconsistent with the principles of the confederation, and necessary for the preservation of peace and good order among the settlers in any of the said new States, until they shall assume a temporary government as aforesaid, may, from time to time, be taken by the United States in Congress assembled.

That the preceding articles shall be formed into a charter of compact; shall be duly executed by the President of the United States in Congress assembled, under his hand, and the seal of the United States; shall be promulgated; and shall stand as fundamental constitutions between the thirteen original States, and each of the several States now newly described, unalterable from and after the sale of any part of the territory of such State, pursuant to this resolve, but by the joint consent of the United States in Congress assembled, and of the particular State within which such alteration is proposed to be made.—*Journals of Congress.*

Abstract of the Laws of Prussia of December 31, 1842, *on the subject of Emigration and of Military Service.*

PARAGRAPH 15.—*The quality of a Prussian subject is lost:*

1st. By discharge upon the subject's request:
2nd. By sentence of the competent authority:
3rd. By living ten years in a foreign country:
4th. By marriage of a female Prussian with a foreigner.

PARAGRAPH 16.

The discharge has to be asked from the police authority of the province in which the subject's domicil is situated, and is effected by a document made out by the same authority.

PARAGRAPH 17.—*The discharge cannot be granted:*

1st. To male subjects who are between seventeen and twenty-five years of age, until they have got a certificate of the military commission of recruitment of their district, proving that their application for discharge is not made merely to avoid the fulfilling of their military duty in the standing army:

2nd. To actual soldiers belonging either to the standing army or to the reserve, to officers of the militia, and to public functionaries, before their being discharged from service.

3rd. To subjects having formerly served as officers in the standing army or the militia, or having been appointed military employés with the rank of officers of civil functionaries, before they have got the consent of their former chief.

4th. To the persons belonging to the militia, not being officers, after their having been convoked for actual service.

PARAGRAPH 18.

To subjects wishing to emigrate into a State of the German confederacy, the discharge may be refused if they cannot prove that the said State is willing to receive them.—(See Act of the German Confederation, Art. 18, No. 2, letter A.)

PARAGRAPH 19.

For other reasons than those specified in Paragraphs 17 and 18, the discharge cannot be refused in time of peace. For the time of war special regulations will be made.

PARAGRAPH 20.

The document of discharge effects, at the moment of its delivery, the loss of the quality as Prussian subjects.

PARAGRAPH 21.

If there is no special exception, the discharge comprehends also the wife and the minor children that are still under the father's authority.

PARAGRAPH 22.

Subjects living in Foreign Countries may lose their quality as Prussians by a declaration of the police authority of Prussia, if they do not obey, within the time fixed to them, the express summons for returning to their country.

PARAGRAPH 23.

Subjects who either,

1st. Leave our States without permission, and do not return within ten years, or

2nd. Leave our States with permission, but do not return within ten years after the expiration of the term granted by the said permission, lose their quality as Prussian subjects.

PARAGRAPH 24.—*Entering into public service in a Foreign State.*

The entering of a subject into public service in a foreign State is allowed only after his discharge (see paragraph 20,) has been granted to him. Any body who has obtained it, is permitted to do so without restriction.

PARAGRAPH 25.

A subject who,

1st. Either takes public service in a foreign State with our immediate permission:

2nd. Or is appointed in our State by a foreign Power in an office established with our permission, as, for instance, that of Consul, Commercial Agent, &c., remains in his quality as a Prussian.

PARAGRAPH 26.—*General Disposition.*

Subjects who emigrate without having obtained their discharge, or violate, by their entering into public service in a foreign State, the disposition of Paragraph 24, are to be punished according to the laws existing in that respect.

Extract from the Constitution of Prussia of 1850.

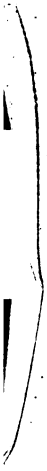
Tit: II. Rights of the Prussians.

Art: 11. The right to emigrate cannot be restricted by the State, except with respect to the duty of military service.

Extract from Circular to Consuls and Commercial Agents of the United States, from Department of State, dated September 18, 1854.

Consuls and Commercial Agents, &c., are prohibited, under a heavy fine, by the 2d section of the Act of 28th of February, 1803, from granting a passport or other paper, certifying that an alien, knowing him or her to be such, is a citizen of the United States, and they should be careful not to be led into a violation of this Act by granting a passport as an American citizen to an alien who may have become domiciled in the United States, or to a foreigner who has merely declared his intention to become an American citizen. Both of these classes of persons, however, may be entitled to some recognition by this Government, and this can be afforded by merely certifying to the genuineness of their papers when presented for attestation, provided the Consul or Commercial Agent should have no reasonable doubts of their authenticity. Consuls and Commercial Agents are instructed, in no case to grant or visé passports to foreigners coming to the United States, as no such papers are required in this country, and to supply or visé them would only subject the applicants to an unnecessary expense.

The attention of Consuls and Commercial Agents located at ports where there is more or less emigration to the United States, is particularly called to the General Regulations, No. 34, issued on the 26th of August last by the Treasury Department; and they will not omit to report any violation, which may come to their knowledge, of the laws of the United States regulating passenger ships and vessels. They will, also, not omit, in cases of the intended shipment of paupers and pardoned convicts to this country, to give timely notice of the fact, both to this Department and to the Collector of the Customs at the port to which the vessel having them on board may be bound, furnishing the names of the parties, a description of their persons, the name of the vessel, the date of sailing, &c., in order that proper steps may be taken for the enforcement of such police regulations as may have been adopted by the several States upon the subject.



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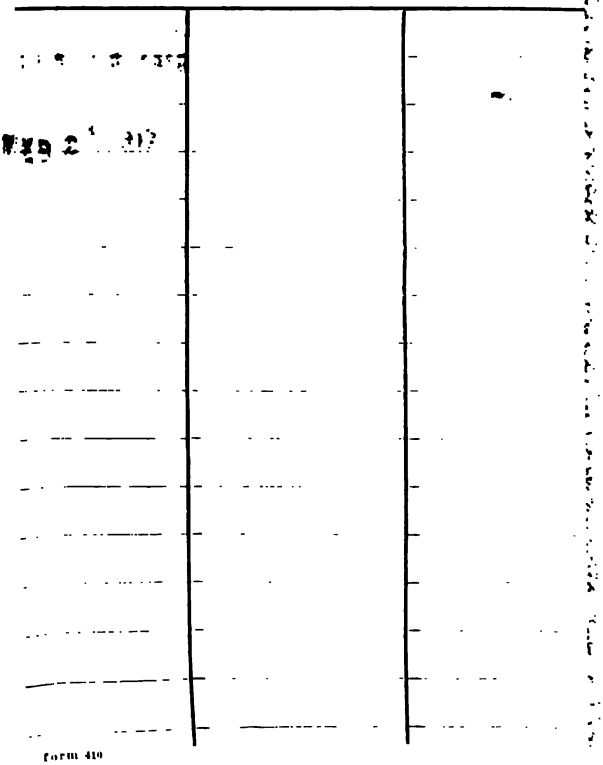
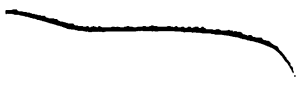
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